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MODERN INDIA:

A SKETCH

OF

THE SYSTEM OF CIVIL GOVERNMENT.

TO WHICH IS PREFIXED,

SOME ACCOUNT OF THE NATIVES AND NATIVE INSTITUTIONS.

BY GEORGE CAMPBELL, ESQ.,

BENGAL CIVIL SERVICE.

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TO

THE RIGHT HONOURABLE JOHN, LORD CAMPBELL,

LORD CHIEF JUSTICE OF ENGLAND.

MY DEAR UNCLE,

HUMBLE as is this my literary attempt, I have been incited to it by your illustrious example; and I inscribe the volume to you in the hope that you will judge it indulgently, and accept it as a testimony of the respect, admiration, and affection of

THE AUTHOR.

February 15, 1852.

PREFACE.

I BELIEVE that India is now more considered than it was wont to be, and at this moment, when the periodical Parliamentary review of Indian affairs is approaching, practical information may not be unacceptable.

My object is to give in one view such a general sketch of the mode in which the civil administration of the country is conducted as may satisfy those who take an interest in, without being technically acquainted with, the subject. It appears that this information has nowhere been brought into small compass or accessible form, and some very false ideas on the subject have obtained currency. Whether I may succeed in supplying this want the reader must judge. I have had an intimate experience of the detail of the principal departments of the Indian administration, and I am not without hope that a description of the machinery which I have handled, and the facts which I have witnessed, may be in some degree interesting and useful. I have therefore, during the last few months, devoted my spare time to the pages for which I now crave indulgence. The subject is almost too large for such a volume, but I have compressed it as much as possible.

Parliament will shortly legislate for India under peculiarly interesting circumstances. We have lately reached the natural limits of the country, and having become, for

the first time, its undisputed masters, we enjoy a much better prospect of quiet and peaceable government than has ever before been known. It is now, then, more than ever important to secure the best system of administration. I do not at present attempt to suggest changes or amendments; to do so would be premature, and there is much to learn and much to compare in this country before finally determining opinions formed on the spot. But as the first and most necessary step towards improvement is correctly to estimate the facts as they exist, I would both myself study the subject, and contribute my mite towards informing the public.

Fortunately little question of English politics is now involved in Indian affairs; yet the effect of former political prejudice is by no means altogether obliterated. A set of notions, originating in the days and in the errors of Burke, are, in some degree, traditionally handed down to the present day. The Indian Government having once acquired a bad name, the most absurd stories invented by the Indian press obtain a certain degree of credence, or affectation of credence. It is hardly wonderful that individuals (even members of Parliament) should be found to make unfounded assertions on the subject, but the misfortune is that nine-tenths of the educated classes (in or out of the House) seem to be in no condition to say whether these stories be true or false. I should hope that a very little attention to a very few plain facts will show the antecedent impossibility of most of the fictions so often repeated.

I could have wished to have confined myself to present facts, but I feel that if I were to require as a preliminary the perusal of the nine volumes of Mill, I should be merely throwing myself into a great gulf without the slightest

hope of filling it up; and even those who have studied Mill imbibe a great deal of error. In the absence, then, of any correct or generally read civil history of India, I find that, in order to save constant reference and explanation, the easiest course is to prefix a few chapters descriptive of the people, and explanatory of some parts of our Indian history. But this part of my volume is ancillary to what follows, and I only notice those things in the past which directly affect the present.

Elphinstone alone promised to supply what was wanting in our Indian history, but he has most unfortunately stopped short on the threshold. So far as he goes nothing can be wanting, and I have taken his volumes as my text-book, and have frequently referred to them. The well-known Fifth Report of the Committee of the House of Commons, printed in 1812, is a very admirable account of our early administration, and I regret that it is not in a more convenient form. I am not aware that anything of the kind has been published during the last forty years.

I have tried to generalise in regard to the whole of India, because my great principle—in which I am more and more confirmed the more I see, read, and inquire—is the absolute identity, in the main, of the manners, institutions, and mode of government, found by us in different parts of the country. At the same time it will be seen that in many things different, and sometimes opposite systems, have been followed by us, and that, in consequence, considerable differences now exist. It will be understood, then, that my descriptions more particularly refer to Northern India, and that where I do not expressly mention the Southern Presidencies there may

be varieties of detail. I am, of course, liable to error in those things which I have not myself witnessed, but I have used the utmost endeavour to ascertain, test, and correct all such statements, and I have been most obligingly permitted to have access to the best sources of information in this country. I have obtained many statistical facts and tables, which cannot be mistaken, and trust that the comparisons which I have drawn will be found useful.

It is necessary here to state, with regard to the relative value of Indian and English money, that, as the Sicca rupee no longer exists, I have abandoned the exchange of 2*s.* per Sicca rupee, which is still maintained in, and so much complicates, the official accounts, and have adopted the simple decimal exchange of 2*s.* per current or Company's rupee, which is not only so much more convenient, but is, in fact, much nearer the relative intrinsic value of the two coins. The conversion from rupees to pounds sterling, or *vice versâ*, by cutting off or adding a decimal, is thus a matter of very easy arithmetic. For convenience of English eyes I have generally stated all monies in pounds sterling.

London, February 15, 1852.

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MODERN INDIA.

CHAPTER I.

INTRODUCTORY.

THE INDIANS TO THE DECLINE OF THE MOGUL EMPIRE.

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In India, as in most parts of the world, there exists in the mountains the remnant of an aboriginal race, differing in appearance, language, and manners from the inhabitants of the plains, and doubtless the first possessors of the country; but of the history of this race we know nothing farther. The Hindoos had occupied the plains of the Indus and Ganges prior to history. The first inhabitants.

Whatever be the origin of the latter people, we first find them settled in Northern India, and highly civilized. Their connection with Egyptians or Persians I pretend not to trace. It is sufficient that we know that they were members, and important members, of that most ancient Eastern civilization which existed contemporaneously, and of an almost identical type, in India, Persia, Assyria, and Egypt, before our Western civilization had taken its origin in the Greeks. It arose in the rich alluvial lands of the The Hindoos. Origin of first civilizations.

Ganges, the Euphrates, and the Nile. There first the earth did more than support those employed in cultivating it. There was a surplus produce, which gave to its consumers leisure for following the arts of civilization, and at the same time rendered necessary legislation to regulate its disposal.

In all the countries which I have mentioned we find at the commencement of history a state of things nearly the same. Laws can be inculcated upon savages only by the sanction of religion, and in all those countries a dominant tribe were the dispensers of religion and law, and ruled rather by moral than physical force. In all, the civilized people became at a later period subject to warlike conquerors—in all, the conquerors were made converts to the faith and civilization of the priestly class, and took place in the community as a military caste, first in a civil, but second in a religious view. In all, the accumulators and dispensers of capital known as the mercantile class were also admitted to a certain rank and honour, while the mass of the labouring population formed a fourth and lowest class. In all, the surplus produce of the land was the fund for defraying the expenses of government and satisfying the dominant classes; and this fund being available, there was little resort to other taxation. In all, surplus wealth or surplus labour, in the absence of modern modes of disposing of them, were applied directly to the masses of structure which remain as monuments to the present day, and which need in no way surprise us. For in the infancy of civilization, when men had no railways to travel on, nor exhibitions to contribute to, nor the thousand domestic luxuries which consume a rich man's income, they spent their money in building pyramids and carving rock temples. The valley of the Nile doubtless

Its character, and division of classes.

The first revenue or rent, and its application.

Jats. This is not conclusive
Khatrees, for democrats at
autocrats when they go for
conquerors; but it shows th
democratic population.

The institution of corpora
universal, and is evidently e
doo; but they were by no
cratic in their constitution.
amongst wild men and wild
in villages; there must be s
common affairs; and division
teristic of Hindoo civilizatio
this division. Hence the vi
governed by a headman ap
the different trades and
by individuals who received
There never was cultivation
broke up as much land as h
him who first tilled it. Local
were raised rateably. The vil
thing Hindoo, often became here
ments were overturned, the vill
machinery to carry on their aff
government was established.
less in such cases to a great de
support; but in this original f
I have said, no regular den
latter form belongs to another

The revenue was principa
produce or rent of the land.
tion of gross produce levied
was less than in later times;
less perfectly cultivated and l
rent should at first be less

ion required to cultivate it.
occupation could be found,
them to work on pyramids,
a mass of labour should
ng? Again, as they must
of pyramids, and found
their ingenuity was exer-
loyment, and they led the
Such also was no doubt
n. Whether
in India or
hey were a
originally warlike or not,
a priestly than a military
evidently military con-
amins; for notwithstand-
superiority given by the
the Bramins would not
civil rank if they had not
s were content to attempt
the medium of religion
ins and Khatrees ruled
arts.
Hindoo people settled in
nbled the
institutions
eal appear-
the monuments of both
d character of the purest
Everything shows the
of that oily, long-eyed,
and sleek, supple-jointed,
we see in monuments—a
and courage, but of great
nd. The history of the

The Bramins and the Khatrees.

Character of the ancient Hindoos.

Khatrees, who they were[illegible]y have been made in calcu-
we do not know. [illegible]al expended in breaking up the
The Hindoos at this [illegible]ar is as much capital as gold or
described b[illegible]as land became more valuable,
Menu. is the too [illegible]ge of masters the right of in-
Menu as in everything a[illegible]re indistinct, opportunities may
best authorities are a[illegible]rnment to raise the rate of rent,
so much as they were, but [illegible] to raise it upon the Egyptians.
ought to be. Hence the [illegible] the early civilization of the
Bramins, which is the [illegible] very considerable—that they
regard to them at the pres[illegible]advances in the sciences and in
they enjoyed to such an [illegible]point which they then reached
which we are acquainted[illegible]y them; there was wanting in
ever enjoyed under the [illegible]l intercommunication of ideas
manner many of Menu's [illegible]n of the West, and makes it
retical than practical. [illegible] one generation to commence
be supposed to be impar[illegible], and so build continually up-
him. [illegible]tions of Hindoos but go over
The Bramins seem t[illegible] again. Yet they at least have
tribe settle[illegible]ney alone have retained to the
Position of the dominant tribes in Menu's time. Ganges. [illegible] their own Eastern civilization,
have been [illegible]bsorbed in it their successive
formed a large proportio[illegible] All the other ancient civili-
been settled in agricult[illegible]d, and latest the Arabs, ener-
purely military, and m[illegible]have overrun and changed the
runners of the larger [illegible]ries which I have mentioned as
wards immigrated, or milit[illegible] But India they have never
kings of Egypt. The co[illegible]ccessively received Khatrees,
in petty independent [illegible]d Moguls; her character has
seem clear whether they [illegible] the intermixture, but still her
their followers on a feud[illegible]s are essentially Hindoo.
monarchical principles. T[illegible]f the Hindoo civilization is the
Menu. [illegible]ion of labour. Every em-
In Menu's work we fi[illegible] apportioned to a separate
purely democratic institu[illegible]f apportionment is generally

Jats do not claim so ancient as to the origin of the fact, doubtless the Rajpoots, a home may be manners and constitution, who h as foreign occupied those territories, who t there was then no large appeared in India, and who si

Absence of democratical institutions.

ideas of the Rajpoots are prin e villages was, however, condition as rulers and conque entially Hindeed they have been very mu means demo- and expended in the latter cap ivilized cultivators settling they may still be seen in some nimals must dwell together racter in Rajpoot villages in ome system for regulating where they are settled in larg of labour being a charac- the more recent Jats show in a , there must be rules for and allied race. They follow a ges became municipalities their proper calling, and have fi inted by the king, and in land, but also keep herds of ofessions were practised the country is favourable for p regulated remuneration. aptness for arms, not as the pro in common. Each man of individuals. Among themsel could, and it belonged to when settled in a body they hav axes for common expenses emocratical constitution. Each ge headships, like every- at in his own village is a free ci itary; and when govern- The "κρατισπεύοντες" or Pun ges had sufficient internal ompounding English and Pers irs for a time till another erdars) are but the elected r The headman was doubt- f the citizens, and the only ge gree dependent on popular is never represented by one but rm of village there was, as of representatives, so jealous ocratic constitution. The sumption of authority. But v people.

Corporate villages.

forth as armies they adopt a m ly derived from the surplus ization, and as conquerors their The propor- is feudal; for the feudal syste by the State bands of freemen rule a conque but it is natural that in a sitated to maintain a military ss fully peopled country the their conquests, but acknowled than when population in-

The revenue.

creased; and allowance ma onal appearance of the Raj-
lating the real rent for capi kindred nations differs greatly
soil, since accumulated labo the original Hindoos. They
silver. In course of time, oily-faced, effeminate people,
and as from successive cha strong-featured race, absolutely
vested labour became mo except in colour, and colour is
have been taken by the gov any other feature.
just as Joseph took occasio at all these republican nations

There is no doubt tha eir free constitutions an inherit-
Hindoos wa Bacchus or Dionysius, and they
made great the west under a leader whom
the arts of life. But the th that ancient conqueror of
has never been exceeded s of the present day retain the
their civilization that gene . These races then settled in
which marks the civilizat ndia, not as mere military con-
progressive—which enabl e the Khatrees, but as immi-
where another has left o nd cultivating the soil, forming a
wards. Successive gener opulation, and doubtless holding
the same ground again and The Khatrees they probably
not gone backwards. T nd they themselves assumed the
present day, amalgamated with the Hindoo
and have o religion and civilization: but
conquerors. much changed the physical an
zations have been destroy aracter of the people of Hindo
getic and proselytizing, or Northern India. The resu
character of all the coun sent Hindoo population of tha
cotemporary with India. guage. Many of the most im
made theirs. She has s original Hindoo religion and
Rajpoots, Jats, Turcs, a troduced by the immigrants;
doubtless been modified by probably a Rajpoot practice
civilization and her manner e comfortable under the Raj-

Degree of civilization.

Its permanence and influence on successive conquerors.

A very marked feature o them in much honour, and the
minute divis possessed of their lands. Hence
ployment is s of advance and increase of
class. This minuteness o a sufficient reason why large

Division of labour.

the result of a very far advanced stage of society, but seems to have obtained among the Hindoos from very early times.

In the Hindoo constitution everything was hereditary. Not only were the chiefships so, but the various offices, great and subordinate, were all more or less hereditary. There were hereditary ministers, hereditary superintendents of large tracts of 1000 or 100 villages, hereditary village officers, and hereditary trades and professions.

Hereditary character of Hindoo institutions.

In Menu's time and even in Alexander's the proper Hindoos seem to have been confined to the north of India. But they subsequently overran the South, and even (it is certain) crossed the ocean, and at one time established themselves in Java and other countries of the East.

Progress of the Hindoos southwards.

Who they found in the south, it is impossible to say, whether merely the aborigines whose remains are still in the hills, or whether some intermediate civilization had preceded them, or whether the Boddhists had gained a footing for a few centuries and the Hindoos reconquered the country; but it is clear that there were several southern nations, each of whom, amalgamating with the Hindoos, took their form and civilization, yet occasioned varieties in the language and in some minor particulars which remain to the present day.* But it was not by the present military tribes of the north that the south was in the first instance overrun

Early state of the south.

* It is to be regretted that, while the great language of India, the Sanscrit, has been minutely examined by philologists, no one seems to have undertaken any general survey and comparison of the other elements of the languages prevailing in different parts of India. It is probable that much light might be thrown on the history of man, by separating the Sanscrit, we find a comparison of words of other origin in the Hindee, Punjabee, Bengalee, Southern, and Aboriginal dialects. I have never been able to obtain any sufficient information on this head. There should be a combined philological and ethnological survey of India.

—it was by the Bramins and their inferior subjects. Bengal is said to have been colonised by Bramins and Soodras, the south by Bramins and Herdsmen, the latter perhaps some nomad tribe, the most military of the followers of the Bramins—for there have been nomad tribes in India from the earliest times.

Hindoo occupation of Bengal and the Deccan.

When we look to the cause of these migrations we find the most probable solution in the displacement of many of the pure Hindoos by another race, of a different political constitution, which about this time settled in the north, the race of which the Rajpoots are the best known type. Indeed, we are not without a historical glimpse of the facts. We have very good and accurate accounts of Northern India as it was in Alexander's time; and we find that in addition to the Hindoo kingdoms, such as we have hitherto seen them, we found settled or encamped in the Punjab great tribes of a purely republican constitution, far more warlike than any others which he encountered. The best account of them is to be found in Heeren, in the volume on the Persians, page 316. Heeren represents their constitution as aristocratic, or under the government of their optimates, the "κρατιστευοντες." Alexander treated with 300 deputies of a tribe; but it by no means follows that these optimates were other than elected deputies. On the contrary, it is evident that they were the *Punches* or delegates of the people, with whom we treat in the same country at the present day. In reading the description it is impossible not to be struck with the exact similarity of this people to the Jats or Sikhs of modern times; and one might conclude them identical but for the improbability of their remaining so long stationary, and our knowledge that the

Another race has appeared in the north—Rajpoots and their cognates;

and were found by Alexander in the Punjab.

bodies of both those classes shou an origin. They were, in At any rate, from whatever ca people of the same original they did, and in the south a re known to have formerly find a much nearer type of must have about this time Hindoo than in the north and hortly conquered it. Our Soodras colonised Bengal, and pipally derived from their porated some aboriginal tribe, fo ors, and in- Bengalee people and language, wh exhausted to be among the most purely eities. Yet India, for there never appears thing of their original chalation of Bengal any intermixture the plains of the Ganges,

Original character of the Rajpoot family.

Other bodies of Bramins and le bodies as a *people*; and as has been said, with the tribes o more perfect state a similar formed the present southern nat griculture as republican tribes, subsequently ed property conquered and partially, but on cattle when south. They are to be distin asture; and they show an their democratic constitution, a fession of the nation, but pursuits, and dominance over ves (the free landholders) tribes. They seem to be the e a purely called in the south the *Meerasse* Rajpoot or villages, by a certain body sharin tizen, and all are peers, republicans among themselves, and h (or as we, strangely their servants; and wherever this n, now call them, Lam- doubtless largely infused. Guzera presentatives of the body them, and they seem to have f eral rule is, that a village western coast till they were stop lways by a plural number lected in a large body in the ext re they of individual as- evidently largely intermixed in hen they go Marattas, whose language denotes itary organ- Nairs, &c., of Canara and Mala constitution race, and in the extreme south m naturally results when they are most numerous, and ret red country, and are neces- perfectly. The democratic pe organization. They divide south may not have been of t ge a leader and system of

Altogether agriculture, but apt to arms.

Pure democratic institutions.

Feudal organization as conquerors.

subordination. The per[illegible]ry rank and power, but their

Their personal appearance.

poots and [illegible]clearly identical with those of from that o[illegible]

are not the soft, supple[illegible] tribes did not fully colonise all but a robust, hard-headed, east the Rajpoots conquered al- identical with Europeans. Their power dates from the era more easily changed than [illegible]ajeet, about the beginning of the

The Greeks relate th[illegible]era, and from that time Rajpoot

Their origin.

esteemed th[illegible]ome supreme in India. Military ance from [illegible]ain power as absolute sovereigns, evidently immigrated from[illegible]s became military, their leaders the Greeks identified wi[illegible]n their nearer, and as absolute India. Even the Rajpoot[illegible]r conquests, dividing India into tradition of such an origi[illegible]. Their democratic institutions

Their settlement in India.

Northern I[illegible]ly in the internal government of querors, lik[illegible] villages. Beyond these general grant peoples, occupying [illegible]ow nothing more of India till the large proportion of the [illegible] Mahommedans. It seems in the the rest in subjection. [illegible]have enjoyed prosperity and wealth. overcame and absorbed, [illegible] to the Mahommedans, who have place of the military clas[illegible]n masters of the whole of India. and received the Hind[illegible]speak of the "Mahommedans," as

Their amalgamation with the ancient Hindoos, forming the modern Hindoos.

they very [illegible]no other general term for the dy- political c[illegible]religion, but the point most worthy tan Proper[illegible]ard to the conquerors of India is was, the p[illegible] that nation which took their na- country and the Hindee l[illegible]gion, the *proper* Mahommedans, portant innovations on th[illegible]us race would probably have ere customs were probably [illegible]ism and changed the character of suttee, for instance, wa[illegible]y other countries and peoples. The Brahmins could not [illegible] India was reserved for armies of poots, who have never hel[illegible]rigin, themselves comparatively Soodras may have been dis[illegible] lukewarm in their new faith; (even if the natural caus[illegible]ce which principally determines population were wanting) [illegible]edan India.

Of the exterior fence, the pro[illegible] advance to the south. ing all along the northern face[illegible] advance trable to large bodies of men, and [illegible] east we wall. It is only at the western [illegible] that the mountains are penetrable[illegible]. The Brahmins and the east they lead to nothing [illegible] only to fresh mountains. They [illegible] to the Burmese, but *they* hav[illegible] and are now contemptible. T[illegible] tween India and China are too [illegible] direct intercourse in this qu[illegible] only to the West that we hav[illegible] enemies.

Ancient Hindoos in the east and south.

Through the western mounta[illegible] invaded; for beyond them are [illegible] Central Asia, and they are pe[illegible] armies through one or two diffic[illegible] But these passes are so narrow, d[illegible] sible, that it is believed that no [illegible] down to General Pollock's, has [illegible] bribing the mountain tribes. In t[illegible] and an organized defence all the a[illegible] not force an entrance; but in [illegible] defence experience proves that th[illegible] accessible to moderate bribes.

India beyond the desert com[illegible] valley surrounded by hills), the [illegible] Scinde. Between the desert au[illegible] malayas, the plains of Sirhind, [illegible] are highly cultivated and popula[illegible] the easy and undefended com[illegible] Punjab and the rest of India.

Of India within the desert, [illegible] over all the north. The great [illegible] mouths of the Ganges and Berh[illegible]

the ancient [illegible]

rming the [illegible] which seem [illegible] Hindoo in [illegible] have been in the popu- [illegible] of Rajpoot race. [illegible]erdsmen, amalgamating, [illegible] f the south, [illegible] ions. The following, seem to have [illegible] partially, colonised the [illegible]ished by [illegible] gricultural [illegible] the other originators of what is [illegible] proprietary tenure of [illegible] the land, democratic [illegible] regarding all others as [illegible] is common the race is [illegible]t was fully occupied by [illegible]ollowed the line of the [illegible]ped by the sea, and col- [illegible]reme south. They are [illegible] the composition of the [illegible] a northern origin. The [illegible]ar are probably of this [illegible] in the Tamul country [illegible]ain their institutions most [illegible]ple who settled in the [illegible]he particular tribe which

Formation of Bengalee people and language;

and of the south-ern nations.

Subsequent progress south of the republican tribes.

attained extended milita ween the eastern and western internal institutions are middle land; and the southern the north.

But if the republican extremely fertile, but the utmost India, at laken out of it from ages unmost all. nd its productiveness principally of Vikram ain; for the rains are periodical, Christian re last the whole season so as to princes seem to have bec ximum of productiveness. It is chiefs in all countries att labours under a disadvantage in and so, when the Rajpoo e climate in summer is equally ruled as feudal chiefs i When the sun is 20° north, it is sovereigns in their farth as in 10° or 12°; but in winter many petty sovereignties of coolness or cold, from mere remained in full force o south to considerable cold in the their own rally commence about the middle facts we k ce tropical crops must either be time of th three or four months, or sown days of the Rajpoots t the great heats by very abundant

Military supremacy of the Rajpoots and change in their character.

Prosperity of India under Rajpoots.

I now proceed the ailure of the rains occasionally twice b reat famines, and the crops are I must much more uncertain than in there is ly tropical climates.

The Mahommedan conquerors of India; their character.

nasties professing that in of the Ganges the rains are of being noted in reg nore or less sufficient—abundant that they were *not* of —more scanty in Upper India; tionality from their rel e plain of the Indus only the the *Arabs*. That zeal ills receives these periodical rains. this extirpated Hindoo m the western seas, and there are the people, as of so ma upon in most of the country be-

But the conquest of sea. Hence the formation of the Tartar and Affghan rovinces of Mooltan and Scinde recent converts, and but similar fate by the waters of the and it is this circumsta and only so far as those waters the character of Mahomm

The Mahommedan nations have never immigrated into India in large bodies, forming at one time any considerable proportion of the population of any part of the country. They have merely overrun it with successive armies, which have successively settled in it; and partly by continually recruiting military followers from the west, but more by conversion and intermixture with the natives, there has gradually been formed a large Mahommedan population.

Arabics not nations, entered it.

The Mahommedan dynasties have taken their names from those of the Tartar hordes who were supreme in Asia when the armies went forth to conquer; but in every instance the conquerors of India had conquered and settled themselves in Affghanistan first, and from thence conquered India. Both on this account and from the immediate proximity of Affghanistan it has naturally followed that much the greater portion of the Mahommedan immigrants into India have been of Affghan blood, though the dynasties did not bear that name. The remainder were a medley of all the Mahommedan nations of Asia, from which the conquering leaders came or through which they had passed.

Origin of Mahommedan immigrants.

The Arabs once obtained a small and temporary footing in India. In the year 712 Mahommed Casim conquered Scinde, but it was abandoned in 750, and during the next two centuries and a half India was untouched by invasion from the West. It seems singular that the Arabs should never have turned their attention to so tempting a prize. About the year 1000 the power and vigour of the Arabs in the East had begun to decline, and the Turcs were rising in power—not the Ottoman tribe which afterwards rose to eminence in Europe, but the great Turcish horde of central Asia.

Arab invasion and retreat.

Mahommed of Ghuznee first invaded India in 1001,

and successive dynasties, all generally known as Ture, carried further and further the Mahommedan arms, utterly overthrew the Hindoos, and eventually became masters of the whole of India. The Slave kings ruled a mighty empire. About the year 1300 Alaodeen completed the conquest of the Deccan, and he and his successor, Mahommed Toglak, appear to have been emperors of all India; the Hindoo chiefs of the south being at least tributary. Their empire was great and prosperous, and there yet remain great public works to testify their magnificence and munificence. But, like the succeeding dynasty, their power seems but to have attained its culminating point and immediately to have commenced its dissolution. A few years later, and in 1350 we find the commencement of disorganization. The Mahommedan Viceroys of provinces were in rebellion, and founded independent Mahommedan kingdoms, which lasted long till subdued by another empire. Bengal was separated, and a great Mahommedan kingdom was established in the Deccan, afterwards split up into several minor kingdoms. In the far south, too, there were again considerable independent Hindoo states, which lasted for 200 years, till absorbed by their Mahommedan neighbours just mentioned.

The Turcish dynasties.

Turcish empire of all India, A.D. 1300 to 1350.

Its speedy decline.

India divided into Mahommedan and Hindoo kingdoms.

Meantime, the Mongol horde were victorious over the Tures. In 1398 Tamerlane invaded India, and though, like Nadir Shah, he immediately retired, he completed like him the prostration of the Indian empire. Throughout the fifteenth and part of the sixteenth century there was no union, but many different kingdoms divided India.

Tamerlane.

About the year 1526 Baber, a prince of a nominally Mongol or Mogul house, became possessed of Cabul, and

from Cabul, invading India, laid the foundation of what is called the Mogul empire. He himself, we are told, hated and despised the Mongols, and in fact there seems to be little real Mongol blood or feature among the Indian Mahommedans. Baber conquered most of Northern India; but a native Indian Mahommedan of Affghan blood, Shir Khan, expelled him, and for some years reigned in his stead. This Shir Khan was a great prince, and amongst other things commenced the revenue system, afterwards perfected by Akber, and the foundation of our present system. Akber was born while his father Baber was a fugitive, but in 1555 they returned, and were finally successful. After long fighting among themselves and with the Hindoos, some of the Mahommedan kingdoms of the south had meantime risen to great power, opulence, and systematic government. They altogether absorbed the greater Hindoo kingdoms of the south, but several of the smaller retained a tributary existence. It was in these times, too, that the Sikhs, Marattas, and Europeans are first noticed in India.

Baber founds the Mogul dynasty.

Shir Khan.

Mahommedan kingdoms of the south eventually absorb Hindoo states.

First appearance of Sikhs, Marattas, and Europeans.

In the beginning of the sixteenth century Nanak laid in the north the foundation of his pure and peaceful religion. Soon after, the Marattas in the service and in the wars of the southern states, gained their first experience in arms. And it was at this time that the Portuguese found in the divisions and distractions of the empire the opportunity of rising to great power along the sea-coast. They first had to do with the Hindoo rajas of the south, established in the interval between the Turcish and Mogul empires, and not yet (A.D. 1500) subdued by the Mahommedan kings of the south. Here they became rivals in trade of the

The Portuguese.

Arabs; and the Indian Mahommedans having little naval power, the Arabs obtained the despatch of Egyptian and Ottoman fleets from the Red Sea to put them down. But the Portuguese were altogether victorious, and throughout the sixteenth century quite supreme on the sea and powerful on land. They followed the system which they and the Spaniards have always adopted of establishing their religion and social rule along with their political power. They *settled* in the country and surrounded themselves with partisans and convents, made themselves a *nation* in India, rather than encamped on the non-interference principle as we do. They have not succeeded as we have; but it must be remembered that they were overcome by European rivals from without, and met by the establishment of a vigorous and powerful Mahommedan empire within—causes sufficient to account for the difference of success, without at once assuming that it is entirely due to our difference of system. At any rate it must be confessed that they at least, with smaller opportunities, made a more permanent impression. I mean that, if even at this day our rule in India were to cease, we should leave fainter traces of our race, our religion, our manners, and our language than the long-expelled Portuguese.

Their system as distinguished from ours.

Causes of their decline.

Impression made by them.

Akber was the first who established on a firm basis the Mogul empire. His father died almost immediately after his return to India, and Akber reigned long and prosperously, for nearly half a century. Yet he was by no means master of all India. He first occupied Hindostan Proper, and between 1570 and 1600 successively conquered Bengal, Malwa, Guzerat, Candeish, Cashmere, and other Mahommedan kingdoms, but did not attack those of the Deccan.

Akber finally establishes Mogul dynasty.

His possessions.

Throughout the seventeenth century his successors waged continual war on the latter states, till, quite at its end, Aurangzebe finally subverted the great southern Mahommedan dynasties of Beejapore and Golconda, and completed the empire of India. But the seeds of dissolution were already sown. New Hindoo races had acquired vigour and courage. The empire had become internally weak. About the year 1700 it culminated, and from that time declined more rapidly than any great empire which had preceded it. In another half-century it had in fact ceased to exist.

Progress of his successors to complete empire, A.D. 1600 to 1700.

A.D. 1700.—Mogul empire culminated and immediately declined.

Considering the space which the Mogul empire has occupied in the European eye and imagination, it is curious to note how shortlived it really was. It was in fact vigorous for barely 150 years, and under four monarchs, from the accession of Akber in 1556 to the death of Aurangzebe in 1707; and commencing with but a portion of India, the greater part of that time was spent in gradually acquiring the whole, while in the latter years of the period it had actually begun to lose ground.

Its duration.

Akber gave his character to the Mogul empire. He was far from being a Mahommedan bigot: he was, on the contrary, altogether a free-thinker, and would have united all his subjects in one system of pure deism. The grand aim of his policy was in fact to unite all classes into one people, and to this end he treated the Hindoos, and especially the Rajpoots, with peculiar favour, and employed them in the highest offices. His immediate successors, Jehangir and Shah Jehan, followed in his steps, and much was effected towards bringing together the Hindoos and Mahommedans, and gaining the confi-

Derived its tone from Akber.—His character.

Policy of conciliation and amalgamation.

Followed by his successors.

dence of the Hindoos. The Mahommedans adopted the Hindee language, into which they infused, as occasion required, Persian and Arabic words, making the Hindostanee now the language of the north, and the lingua franca of all India.

Formation of Hindostanee language.

Employment of Hindoos.

Hindoo financiers and Hindoo soldiers rose to high posts and great commands, such as they can hardly attain under our different system. The chief Rajpoot princes had long been driven from their proper seats in the plains of the Ganges to the more barren tracts of Central India, where they were then, as now, tributary chiefs of feudal principalities. Them, as the representatives of the ancient Hindoo rulers, the Mahommedan emperors particularly cultivated. They allied themselves with them in marriage, employed the Rajpoots in their armies, and made their chiefs generals and governors of provinces. Lord Ellenborough was not the first who "revenged the insult of 1000 years." For under the Moguls we actually find a Rajpoot chief governor of Affghanistan, and Hindoo armies invading Balk and fighting the Tartars in the mountains of Central Asia. Aurangzebe was a much better Mahommedan, but much worse ruler, than his predecessors; looked on the Hindoos with no such favour, and did much to persecute into military vigour the rising Hindoo tribes.

Favour shown to the Rajpoots.

Change of system under Aurangzebe.

The Mahommedan dynasties made themselves complete and direct masters of all the more open and plain parts of India; but in the wilder and more remote parts they were content to rule through the medium of Hindoo tributary chiefs. Except about Cashmere, they never penetrated into the Himmalayas. The Rajpoots were allowed to possess large, but for the most part unfruitful, territories in Central India. The aborigines and other inhabitants of the mountains of

Hindoo tributary chiefs in hill and remote parts.

supported double the populati
If for the one-half no useful
what more natural than to set
and what surprising that such
produce such a mass of buildi
in the end have become tire
them somewhat unsatisfactory,
cised to find more useful emp
way in arts and manufactures.
the history of Hindoo civilizatio
the Brahmins took their origin
came from somewhere else,
dominant tribe; and whether
they assumed in the end rath
character. The Khatrees we
querors of the more civilized B
ing the account of their own
Brahmin authors, it is clear th
have admitted them to the first
taken it by force. The Brahmin
to exercise a moral rule through
and law; and together the Brah
people far advanced in civilized

This, then, was the ancient
Northern India. They res
Egyptians not only in their
and manners, but also in phys
ance, as may be judged from
nations, and the appearance an
Hindoos of the present day.
original Hindoos to have been
Egyptian cast of countenance,
luxurious-looking bodies, which
people of little physical energy
acuteness and cunning of mi

nerally of Rajpoot origin.
Mahommedan dominion
there remained to the last
But they were gradually
the extreme point of the
outhern chiefship boasting
has come down to our
Moguls was under the
but there was no social
similar countries.
somewhat influenced the
selves much
ndoo blood
ne Hin-
o them. In religious
but the natural result
lans, and their inter-
tinual addition to the
ways proselytising, at
eks no converts, and
l who have been un-
mixed in their blood.
ical reasons, induced to
great numbers of the
of the Mogul emperors.
pulation still remained
f the Indus—in Scinde
the Arabs having once
lan tribes of Belochistan
contact and constantly
ass of the agricultural
in religion, while they
All the Indian Mahom-
ured much of the Hindoo
Hindoo religious preju-

Formation of a Mahommedan population in India.

dices, and very much de[illegible] and where they came from, proper faith.

Despotic and centralised government.

The system of governm[illegible]age of their history are fully ticularly de[illegible] Menu about 800 B.C. But it empire was [illegible]ommon mistake to look upon despotism. [illegible]nâ fide reporter of facts. The hommedan states or Ma[illegible]d that he describes things not of any kind: all was mad[illegible] rather as in his opinion they

From which resulted uniformity of system throughout the empire.

The centralising syste[illegible]cessive superiority attributed to formity of [illegible]undation of English ideas in Natives of [illegible]nt day, but which neither have indiscrimin[illegible]xtent at any time or place with system of [illegible] nor is it probable that they throughout. Akber [illegible]le of the Khatrees. In like menced[illegible] laws seem much more theo-

Regular revenue and judicial systems.

the gre[illegible]ut in matters in which he may cedent [illegible]ial much is to be learned from detailed revenue sett[illegible]

Public works.

judicial [illegible] have been a great Levitical commun[illegible]d in large numbers on the for other such objects [illegible]he Khatrees do not appear to and a very respectabl[illegible] in sufficient numbers to have

Prosperity of the empire.

been ma[illegible]n of the population, or to have was very [illegible]ral communities. They were Mogul princes must h[illegible] either have been the fore-

Revenue and riches of the Mogul emperors

of any [illegible]gricultural tribes which after-though pr[illegible]ary nomads, like the shepherd that now [illegible]antry was divided among them value of food, labour, & [illegible]ingdoms; but it does not same as now, that is, [illegible] divided their conquests with and certainly, in comp[illegible]al system, or ruled on purely all articles of consump[illegible]he latter may be gathered from must have been more [illegible]

dern state—I mean th[illegible]d no traces whatever of the more men and luxuries [illegible]ions of modern Rajpoots and

the interior were under chiefs g nd exercised a very mild
In the extreme south, where the angzebe compelled their
was less perfect and permanent, dia was fortunate in the
several tributary Hindoo Rajas. gour.
disappearing, and Travancore, o ment to the progress of
peninsula, seems almost the only spire on the fall of the
an ancient Hindoo origin whic have come when, both
time. Affghanistan under the Mahommedan conquerors
same government with India, spring up to distinction
amalgamation between two so di The Marattas have been

The Mahommedans in India wars of the Rise of the Marattas.
Indian character, but were them most hardy
more largely affected by the Hon the immigration of the
and manners, and in mixing w seem to have among them
does in many respects drew ne l to have also received a
matters there was little persecuti democratic tribes. The
of the influence of the Mahomm e and energetic than of
mixture with the natives, was a c ilitary discipline; but
Mahommedan religion, which is ive in predatory war-
the expense of the Hindoo, which ader originated their
excludes for ever from her ranks pleted the conquest of
faithful in their practice or are e was in the service of
Particular tribes were, from polit mpensed by the chief-
come over in a body, especially ancient Hindoo chief in
Rajpoots, the favourites and allies anjore he transmitted to
But the great mass of the po th whom we afterwards
Hindoo, except along the line c in India; but Sevajee
and the Western Punjab—where ent leader in his own
had a footing, and the Mahomme ople. The wars then
and Affghanistan being in close the kings of the south
overrunning the country, the m ing himself powerful at
tribes have become Mahommedan tisan and plunderer, and
remain Hindoo in character. rritory and levied black
medans not only retained or acqu successes from 1650 to
character, but also many of the d independence in posses-

sions which he governe parted from the purity of their skill. In fact, he was a

vidually was due the tran ent I shall afterwards more par- a powerful military nati scribe; suffice it to say that the years later, when Aurang when in its vigour a centralised come his Mahommedan o There were no subordinate Ma- powerful and formidable ommedan hereditary feudatories reduce them, and, the gle one empire.

had all but succeeded. m of the Moguls led to a uni- at their lowest, and the practice throughout the empire. but just then the tide all parts of India were employed emperor was now old and tely in all other parts, and the fall from its own weight. administration was identical a successful guerilla war fected the revenue system com- rial armies that the last Shir Khan. It was extended over perous reign of Aurang portion of India, and is the pre- these apparently conte which is founded our method of in 1707, the emperor di nent. There was also a regular acquired fresh force. ystem. Public works to facilitate

Aurangzebe had al cation throughout the empire, and

Conduct of the Rajpoots.

rebelled were carried on with a liberal hand, but they preventive police seems to have of the opening now p intained. Altogether the empire competitors of the Mara prosperous, and the revenue of the

The Jats.

The Jats were one ave been much larger than that and settle of their European cotemporaries, Ganges— obably never equal in amount to ners as the Rajpoots, l raised in Britain or France. The followed agriculture, an c., seems to have been much the but the sequel has prov infinitely cheaper than in Europe; admirable soldiers. Thar ison to the price of labour and as Jats about Agra, v ition, the revenue of the Moguls

The Sikhs.

But it was effective than that of any mo- Sikh religi it enabled them to command been mentioned as a pe , and to have a greater surplus.

Akber abolished many imposts, a and such his sect long sway; but the necessities of Au of the seventeenth century revival. Taken altogether, In oos, persecuted and alien- Mogul rule while it was in its vi hen that Gooroo Gobind

We must now look for a mo de them military zealots. those who were to dispute the em punished; yet they soon Moguls. The time seemed to and rancour, and during the old Hindoo races and the themselves masters of a being effete, new blood was to and power among the Hindoos. rtuguese had their day in mentioned as serving in the v seventeenth their Euro- southern states. They were the lish, got the The Dutch and English. of the southern nations formed pire became Hindoos into the south. They ir power declined. The many people of nomad race, and are encouraged as traders large infusion of the northern the power of the Portu- result was a people rather activ But during the integrity much physical force or aptness fo for them to aim at poli- they proved themselves most effi nbitious and impatient, fare. A daring and talented he eastern islands. The power, before Aurangzebe had com a, but soon commenced the south. The father of Sevaje s more respectable and the king of Beejapore, and was re th which they defended ship of Tanjore, taken from an ernors, and engaged in another part of the country. T one branch of his descendants, w an's account of the first had our first political connection —"In the year 1020 preferred to set up as an independ y, Jehangeer, the son of country and among his own pe the English to build a raging between the emperor and ie province of Guzerat, gave him the opportunity of mak at people made on the the head of his Marattas as a pa ish have a separate king, he even acquired considerable t tugal, to whom they owe mail from his neighbours. His ry, these two nations put 1675 were great, and he assume they meet. At present,

in consequence of the int[illegible]i with remarkable system and
they are at peace with [illegible]very great man, and to him indi-
knows how long they will [illegible]formation of the Marattas into
same town and to live on [illegible]n. He died in 1679. A few

Decline of the Mogul empire.

From the death of A[illegible]zebe had at last completely over-
began to de[illegible]pponents, he found the Marattas
years the [illegible] He therefore set himself to
Terms were at first ma[illegible]enius of Sevajee being gone, he
Rajpoots, &c.; but a ser[illegible] About 1700 the Marattas were
the throne rapidly follow[illegible]logul empire seemed complete;
governors of provinces esp[illegible] turned. The Mahommedan
gained great power, and so[illegible] weak: his empire was ready to
Marattas took advantage[illegible] The Marattas again carried on
to extend their limits an[illegible]fare, and so harassed the impe-
considerable part; the J[illegible]novement of the long and pros-
conspicuous; and petty c[illegible]ebe was a partial retreat before
authority. In short, in [illegible]otible enemies. At this juncture,
Mahommedan governors [illegible]ed, and thenceforth the Marattas
whom we have had to [illegible]
were strengthening ours[illegible] alienated the Rajpoots. They
capital, trade, and sold[illegible]nd maintained a protracted war,
considerable territorial a[illegible]proved unequal to take advantage
first appeared in India as[illegible]resented, and were not dangerous

Several rival empero[illegible]ttas for empire.
Mahommed Shah was es[illegible] of the purely democratic peoples,
power, in 1720, and he[illegible]d in Northern India, west of the
In 1738 the dissolution[illegible] of the same constitution and man-
the invasion of Nadir [illegible]ut a more recent tribe, who as yet
point at which the mod[illegible]d had attained no military rank;
shall pause to describe t[illegible]ved that they were fitted to make
found them, and shall th[illegible]ey have been principally known
history of India, which h[illegible]ich they afterwards conquered.
complete empire. [illegible] also in a Jat country that the
[illegible]u and power arose. Nanak has
[illegible]accable religionist in the begin-

CHAPTER II.

THE COUNTRY AND THE PEOPLE AS WE FOUND THEM, SHOWING THE PERSONAL AND SOCIAL CHARACTERISTICS OF THE NATIVES.

Definition of India — Geography — Soil — Climate — Capabilities — Effects of predatory wars — Products — Population — National divisions — Interior divisions — Races and classes — Character of the people generally — Condition of women — Institution of castes — Slavery — Religion.

ELPHINSTONE defines India by the Himmalaya, the Indus, and the sea. Although the Indus *nearly* corresponds with the actual and political boundary, yet, as rivers are seldom real boundaries of race, it would perhaps be more true to attribute the limit to the offshoot of the Himmalayas called the Soliman range, extending from the Himmalaya to the sea, and not far from the foot of which the Indus runs; for to the mountains is doubtless due the separation of countries and races. Definition of India.

The mountainous countries to the west are inhabited by tribes of the hardy races of Central Asia, a people quite independent, and of a genius altogether different from Hindostanees. But when we descend to the plains, we are at once in the great country so often conquered and reconquered, disunited and united, till all its people have been thoroughly well mixed together, and form, in fact, one great nation.

For particulars of the geography, see Elphinstone. A few main features will suffice for my purpose. India is surrounded by the sea on the south from Kurachee to Chittagong, and by a continuous pale of mountains on the north from Chittagong to Its mountain boundary;

Kurachee—in fact, is separated from the rest of the world by a sort of ring fence which I shall call the exterior hills.

and principal interior features.

Within these exterior mountains one great alluvial plain, which may once have been sea, extends in a curve from the mouth of the Indus to the mouth of the Ganges. The remainder of the country forming the peninsula of India is of solid formation, and something of a diamond shape, and may once have been an island. It is surrounded and crossed by hills which I shall call the interior hills. An important feature is the desert which runs up between the plain of the Indus and the interior hills, and thus nearly divides the country into two unequal parts—the plain of the Indus and the rest of India—as seen in the annexed diagram.

ning of the sixteenth century, per Himmalayas extend- remained, till, in the latter part are absolutely impene- tury, they were, like other Hindt form an insurmountable ated by Aurangzebe. It was t and eastern extremities changed their character and mae. But on The exterior fences. They were put down and cruelly formidable, reappeared with increased zeal might have given exit the decline of the empire made been once punished, large territory. he natural obstacles be-

Of European powers the Por great to admit of any the sixteenth century. In charter. It is, therefore, pean rivals, the Dutch and Engl to look for formidable better of them, the Mogul em supreme in the south, and the ins only has India been English and other Europeans w all the great nations of probably more to counterbalance netrable to The one inlet to guese than for any other reason. ult passes. invasion. of the empire there was no room difficult, and easily defen- tical power, and the Dutch, a army, from Alexander's principally betook themselves to t ever passed without English bided their time in Ind he face of regular troops the system of making themselve mies in the world could formidable by a military force, w the absence of such a themselves against the local gov e local tribes are always their intrigues.

Here is a Mahommedan histor rises Cashmere (a large settlement of the English in Indi njab, and Interior divi- (A.D. 1611), the Emperor of Deh the Him- sions. Akbur Pádshah, granted a spot t "the head of India," factory in the city of Surat, in th ed, and through them is which is the first settlement th unication between the shores of Hindostan. The Engl independent of the King of Por Hindostan proper extends no allegiance, but, on the contra Delta through which the each other to death wheresoever ampooter form a network

of rivers is Bengal; plains lies Malwa, or th country is the Deccan.

The soil of India is has been countable, depends on the fall of r and nowhe give the m on this account that it tropical productions. tropical all over India. just as hot in 30° or 32° there are various degree abatement of heat in th north. The rains gene of the summer; and he brought to maturity in early and kept alive in artificial irrigation. causes g altogether temperate or even pure

Soil and productiveness.

Want of rain.

Liability to famines.

Throughout the pla generally in Benga but of upper portion near the No clouds come up fr no rains to be depende tween Lahore and the great desert, and the p are only rescued from a Indus and its branches extend.

Proportion of rain in different parts.

terference of Jehangeer Padshah, each other, though God only consent to have factories in the terms of amity and friendship."

urangzebe, in 1707, the empire cline, and during the next thirty dissolution rapidly proceeded. de with the Hindoo Marattas, ies of contested successions to d one another. Ministers and oused different sides—sometimes metimes lost it altogether. The of the state of things greatly d power; the Rajpoots acted a ats and Sikhs made themselves hiefs assumed a large measure of this period was the rise of all the and Hindoo confederacies with lo. In the mean time we also lves, building forts, and increasing ers, but had not yet attempted equisition. In 1720 the French s our rivals.

rs had sat on the throne when tablished, in place rather than in ominally reigned for many years. of the empire was completed by hah. But as I have come to the ern powers appear on the scene, I he country and the people as we en briefly remark on the modern as ended in our establishment in

In all Northern India there are two distinct cultivations, a tropical crop in the hot weather, and a temperate crop in the cold; but these are very seldom grown on the same land in the same year. The soil will not bear two crops. The wheat and similar crops are ripe in April; and for the next two months little is cultivated except sugar-cane and such products, which take so long to come to maturity that it is necessary to cultivate by irrigation. As soon as the rain falls (generally in the latter half of June) the active season commences. All the tropical products are sown, and the land is prepared for the winter crops, which are sown in September, October, and November, about the same time that the tropical crops are reaped. From October to March the climate is the finest possible, generally clear and sunshiny—temperate at the beginning and end of the season, cold in the middle, but not to such an extent as to destroy the more hardy vegetation. The ground having been saturated by the rains, the crops come off well in October and November; but about Christmas and the latter part of the cold season more or less rain is hoped for and generally obtained. Crops come to maturity with less frequent rain than it would be conceived possible in England; but the supply being so scant, irrigation is resorted to to the utmost practicable extent, and makes the product i any times greater. Indeed, though barley, vetches, and such-like grains are grown without irrigation, good crops of wheat and the more valuable productions are seldom, except very near the beds of rivers, obtained without artificial watering. To make up for the deficiency of rain from above, nature has given to all the plains of India an inexhaustible supply of water from below. By digging and building wells water can everywhere be had in any quantity at various depths, and the value of the land much depends

Tropical and temperate crops.

Artificial irrigation.

on the depth of the water below the surface. There are therefore wells for irrigation in every village; some have the means of irrigating a great portion, some a very small portion, of their whole lands.

Another means of irrigation is by canals from the great rivers. There are in Northern India few perennial streamlets; they dry up when the rains cease, and the only constant supply is from the large rivers which come from the far interior of, or from beyond, the Himmalayas. To divert their streams requires great works, such as only great governments could attempt. Such the Turcish emperors achieved on the Jumna. They attempted it on the Sutlej, but failed, and had some smaller canals in the Punjab; but the Ganges they never attempted to divert. The Jumna canals immensely fertilized a portion, but a comparatively small portion, of the country. In later times they fell into disrepair and disuse, and so we found them.

Difference of climate, &c., in the south.

As we go south there is less variation in the temperature; the tropical productions become comparatively more important than the temperate; and the Deccan is also a more hilly country, less universally productive, and less fully supplied with well-irrigation, but still fertile, with a better supply of rain and a greater irrigation from tanks, dams, and such works, which avail little in a plain country.

Variation of climate according to elevation.

The climate of India not only differs widely according to latitude, but still more according to elevation. Ascending the successive ranges of the Himmalaya, we have every variety up to perpetual snow, and the interior hills of the south are in many places high enough to give a climate altogether temperate. The Mahommedan monarchs used to find in Cashmere a relief from the heat of the plains; but they never built sanatariums on the nearer and wilder hills. The hills are everywhere more or less cultivated, according

to their capabilities and the race which inhabits them. The precipitous Himmalayas are terraced and worked to the utmost by the skilful Hindoos. The central hills are less done justice to by the wild aborigines.

India altogether a productive and highly-cultivated country.

Altogether, then, India is a country much favoured by nature and capable of supporting a very large population, and is in fact very highly populated and cultivated. It produces everywhere great crops of grain and the most necessary articles. The dryness of the climate during a portion of the year, and the exhaustion of a long-cultivated soil, makes it a less successful producer of the finer tropical articles of merchandize than the new countries whose virgin soils and abundant rains have enabled them to rival it; but it at least yields within itself almost every product of the soil sufficient for its own consumption and for a considerable exportation. In its most prosperous time its capabilities seem to have been made the most of, and cultivation was carried as far as in any country which we know. In regard to the modern accounts of uncultivated land in so fully populated a country, we must allow, first, for grazing-grounds in a country where artificial grasses are not cultivated, and there are many cattle to be grazed; second, for parts where there are no means of artificial irrigation, and which can never be fully cultivated; and third, for malarious tracts, such as the Terrai under the Himmalayas, which seems to the eye so rich, but is not cultivated simply because the malaria at a certain season makes it impossible to live. We must always remember that in India, as in most other countries, nature has made a portion of the area difficult or impracticable for cultivation; and wherever we find some tracts very highly cultivated and paying a good rent, we must pause before

Great crops of grain and necessary articles.

Development of its capabilities.

Natural obstacles to cultivation of some parts.

we attribute to neglect the barrenness of others. Nowhere is the possession of good land more prized than in India, and I suspect that Europeans are very much inclined to exaggerate the "undeveloped resources." But, believing as I do that every part has at some time or other been very highly cultivated, and the country fully populated, so much is the fact—that we found it torn to pieces and reduced by the desolating predatory wars which so long prevailed. The predatory system of the Marattas, Pindarees, &c., depopulated and impoverished the country to an extent which no regular wars could have done; works for irrigation, &c., fell to pieces for want of repair; the people became needy, the land out of cultivation: and so the country was in a state from which it could be recruited only by many years of peace. The fertile plains of the north seem to have suffered less, and to have had easier means of recovery, than the countries of the south, the state of which appears generally to have been bad.

We found it reduced by wars, with much to gain from peace.

I need not detail the different grains and vegetables produced in India, for they include almost all those of either tropical or temperate countries. The most valuable grain-crops are the temperate ones, wheat, barley, &c., but they require much greater care and labour in cultivation than the tropical grains, which are thrown in after a single ploughing at the commencement of the rains, and grow with little expense.

Temperate more valuable than tropical grains, but more expensive to cultivate.

In Upper India wheat-flour is the staple of the bazaars and the food of all who can afford it, soldiers, servants, &c.; but the agriculturists themselves principally subsist on the inferior grains grown in the rains, "Jowar," "Bajra," and such-like, of which I do not know the botanical names, but I fancy they are such as those described by Herodotus as grown on the

Staple food.

Euphrates, in a not very different latitude; and these (Elphinstone mentions) are the principal food in the high lands of the Deccan. Rice is the staple of Bengal and of the low lands round the peninsula, which are flooded in the rains. Elphinstone supposes that Indian corn is never made into bread, but I can at least say that in the farther north, about the Sutlej and the Sikh country, there is no more common flour at a certain season.

Sugar-cane seems to be grown in every part of India from the extreme north to the extreme south, and its juice is largely used in various shapes. The cane used for sugar is small and thin, yet this is not because a larger cane is unknown. A large cane is cultivated and sold as a fruit; but I suppose that for sugar it does not pay so well as the thin kind, since the latter is preferred; and this circumstance may be due to climate; for I have heard that in the West Indies the large cane takes two years to come to its growth, whereas the Indian cane (at least I speak of Northern India) has only ten or eleven months to grow. It is planted very early in the spring, about March, grows till the frosts of December kill the plant; and it is cut down in January and February. Sugar is likewise largely produced from the date-tree. Cotton is also in India a short-lived plant. It is not so valuable, and does not strike its roots so deep, as the sugar-cane, and therefore it is not, like the latter, grown by irrigation through the hot weather. If possible, it is sown by the aid of wells a little before the commencement of the rains, so as to give it a good start when they do come down; but a great proportion of the cotton is merely sown when the rain falls in June, and is then put in before any other crop. It grows till the frosts of the cold weather burst the pods, and is gathered about December. It is not worth while to keep the plant alive by

Production of sugar.

Of cotton.

irrigation till another year, so it is an annual, and cut down as soon as it has borne. This may account for the cultivation in India of the small, quick-growing, inferior plant, rather than the large, fine, biennial and triennial plant of America, which requires a supply of moisture all the year round. Cotton seems to grow in all the latitudes of India, and the consumption by the inhabitants is enormous. They use it for everything, both as we do, and for many of the purposes to which we apply wool, flax, &c., so that the foreign export is a mere trifle compared to the home consumption.

Of tobacco.

Tobacco seems also to grow in all the different latitudes, and is very largely consumed.

Opium grows in the north, but not in the south, and is the one article in which India excels beyond competition any other country in the world.

Of opium.

Dyes have always been largely produced in India, and indigo was formerly manufactured in a rude native method.

Of dyes.

The great rivers, the Ganges, Indus, and their tributaries, afford facilities for traffic. They are all navigable for boats; but from their running unrestrained through a plain country and loose, soluble soil, and rising and falling prodigiously as the rains set in or subside, their channels are not nearly so good for navigation as could be wished. They vary their course every year, and generally a comparatively small stream runs in a bed infinitely too large for it, and filled with sandbanks and shallows. Hence it is impossible to have any regular towing-path on which animals can be used. Boats cannot always sail, and, when they cannot, must be pulled by men.

Navigation of rivers.

In the plains the roads are always in dry weather practicable for carts, but always execrably bad. The Mahommedans took great trouble to build bridges and serais, but I cannot find that they

Roads.

ever metalled their roads; and
empire the bridges had fallen de
the wandering streams; the ser
gone to pieces or been appropriate
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The population of India has lo
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enough; consequently, when there
causes, the people multiply very r
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long enjoyed, that this result is
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great checks—war and famine.
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total failure of the rains, are very
is only at rare intervals, when, for
year is succeeded by a total failu
occur; but when they do happe
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rally none—and where the mass
without capital, and have no sup
port them, the result is frightful.
is no food in the country and no
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can save the people. If it buys t
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The population.

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full popu-
a to two

Tendency to increase greatly, unless checked by war and famine.

War may
famines, arising from
difficult to remedy. It
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n in a country which
—in the interior lite-
of the population are
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Indeed, when there
means of speedy im-
rich or philanthropic,
he grain, it only raises
antity in the market.

There was a frightful fa mine in Bengal about 1770. A great famine desolated th e north, about Sirhind, in 1786, and is the era to whic h everything in that country is referred. So lately as 18 37 a dreadful famine depopulated the country about Agra. Such occurrences can only be mitigated a s peace, plenty, and the increase of capital cause grain to be more largely stored tha formerly. Still the increase more than supplies wh at is lost to the population in famine. I t was principally on account of war that w e found it much lower than it had been; and it was still large. It was entirely distributed in towns an d villages. There were few scat- tered habi tations. The considerable towns were num erous; yet there were hardly so large cities in proportio n to the population of the country as with us. Dehli, B enares, and Lucknow were large, but none contained a fo urth of the inhabitants of modern London.

It is the peculiarity of the Indian population that it is one in m any respects. The same systems, manners, and divisions of the people prevail throughou t the country. And yet in every part the re is a great variety of different classes d welling together, but in many points altogether dissimilar. Although there are many classes, almost all the classes a re found more or less everywhere, and hence the same ge neral features of society exist alike in every part of Indi even when there is a considerable differenc in personal appearance and lan- guage. In effect it has become one country, and, tho ugh many different races have en- tered it, and have be n, by peculiar institutions, kept in many respects separat e, each has in its own sphere per- vaded the whole count ry; all have become united in one

But the increase more than compensates for famine alone.

We found the population diminished by war.

Towns and villages.

Similarity of classes and divisions of the people throughout all India, yet variety of classes dwelling together.

In effect one country and one system throughout.

common civilization; the same system of Hindoo polity has been overlaid by the same system of Mahommedan government; inhabitants of one part of the country have served, travelled, and done business in all other parts indiscriminately; and so altogether, while the different degrees in which different elements have been mixed produce exterior differences, the essential characteristics of all are the same. Especially in the details of government we found the same phases throughout, a result principally due to the centralizing and uniform system of the Mahommedan government, and the frequent change of functionaries from one part to another. Most of the supposed differences are of modern origin, and originate in the different views of different Europeans settling at remote points and pursuing different courses. The more one studies the subject the more identity one finds in the state of things in all the different parts of India.

Especially in the details of government.

The different nations of Europe may have been in some measure so assimilated in former days, when successive waves of conquest and population broke over the whole continent and left the débris to ferment together into nations; when all united in common crusades, and English yeomen took service at Constantinople. But now widely different national characters have sprung up, and there are bold distinctions which, for the most part, exist not in India. That country is common to all its inhabitants, and the most close intercourse exists throughout. Even the Mahommedan is not the fierce, proud foreigner. His character and his blood are in general much more nearly allied to the Hindoo than to the Affghan.

Compared to variety of nations in Europe.

There is but one exception to this amalgamation of the people. Throughout the interior hills the remains of the aboriginal race is everywhere

The aborigines

found separate and little mixed. They are small and dark, and generally complete savages, and speak a language altogether different from the Hindoos. In the farther south they seem to have been reduced to slavery; more to the north, in and about the Bombay presidency, they gave great trouble as robbers and plunderers of the adjacent plains. It is, however, a curious fact, which I have not seen elsewhere noticed, that in the Himmalayas adjoining Hindostan Proper, though much more abrupt and difficult than any of the interior hills, there exists no such race. The population of this part of the Himmalayas is pure Hindoo, till it meets the Mongolian Bhooteas of the other side of the hills; and the fact might be a strong argument in favour of the indigenous or very early origin of the Hindoo civilization. The aborigines have in their features no trace of the Negro or Mongol, and would seem to be of Caucasian race.

Their absence in the Himmalayas.

The chief difference in the population of the north and the south of India seems to consist in the larger intermixture with the Hindoos in the one of the later northern races, and in the other of the population which existed prior to the Hindoo invasion. The following is the distinction of nations which exists to a limited degree.

Chief difference in general population of north and south.

The inhabitants of the plains of the Indus and of the Ganges, excepting Bengal, and of the intermediate countries of Malwa—in fact, almost all the north—are the same people, speaking the same language, the Hindostanee. In the Punjab there is a variety and admixture of other words, called Punjabee, while the groundwork is the same; and even on the Ganges different classes speak Hindostanee very differently (as is the case in most countries), the higher classes intermixing much more Persian than the

Principal national divisions. The Hindostanees.

lower. But the lowest villager uses *some* Persian words, and the most affected Mahommedan retains the Hindoo grammar and most unavoidable expressions; so that the language is really the same. The whole of the Hindostanees are in physical appearance, excepting colour, very like Europeans, and evidently of the same great race. The features and cast of countenance are indeed identical, and their general height and size is nearly as great. I have not noticed in the north the very marked physical difference between different classes which has been much commented on in the south; and I fancy that in the latter part of the country the fact is principally due to the immigration from the north. The Bramins in the north are a sturdy race, but no fairer I should say than others of similar occupations. The Rajpoots and Jats are fine men; the meaner classes naturally meaner looking; but even among the lowest class of all—the unclean outcasts—may be found as fine men as any. The mercantile classes are both the fairest and most Hindoo looking; but this is the natural result of their in-door occupations and stricter exclusiveness.

The people of the Himmalayas retain much more of the ancient Hindoo character than those of the plains; and in Cashmere especially there remains an ancient race, which I should take to be very pure Hindoo, unmixed with any northern invaders; and this may be the reason that the Hindoos class the Cashmerians with the southern nations—a fact which I have seen mentioned, but not explained. They are fair—the result of latitude and climate; but in other respects more like Bengalees than Hindostanees,—an effeminate race, but very clever, cunning, litigious, and intriguing, and dexterous manipulators; no soldiers, but great scribes, diplomats, and weavers. Such very much are the Bengalees; but they are very dark.

The people of the Himmalayas and of Cashmere.

The Bengalees.

They have a Bengalee language and character, principally founded on the Sanscrit.

The southern nations.

The Deccan is divided among four nations—Maratta, Telinga, Canarese, and Tamul—all speaking different languages, of which the Sanscrit forms a large portion, but in which other elements are present to a greater or less extent. The southern people are smaller and darker than those of the north, but seem to approach the Hindostanee character a good deal nearer than the Bengalees. Many of them make good soldiers, and they seem generally a pretty hardy race, with whom the northern and some nomad tribes may have been considerably intermixed. A great part of the population of the far south is said to consist of inferior races, supposed to be the remains of conquered peoples. This seems still more marked in Java, where we may suppose that the proportion of invading Hindoos was much smaller, and where it appears from Raffles' account that they merely form the upper and dominant class, while the mass of the population is of other race.

The Marattas I have mentioned as the most hardy and energetic of the nations of the Deccan. The Maratta country is nearest to Hindostan Proper, and no doubt first and most largely received the tide of immigration from the north. I conclude that the nomad element also enters largely into their composition, since many of their leaders are of nomad castes, and many of their military habits seem to spring from such a source.

Interior divisions of the people.

I shall now notice the interior classes of the people whose general ramifications I have been describing.

The Brahmins.

First come the Brāmins. In Northern India they form a large proportion of the population of some parts of the country—in the divisions of Oude, Allahabad, Benares, and Bahar (all on the Ganges).

They are in fact not merely a priestly class, but an ancient tribe or nation. Alexander found the Brachmani, a separate nation, possessing territory and cities of their own. The most remarkable feature in their present position seems to be, that they are almost the only class which engages in *all* professions. Among the rural population they cultivate largely; they are very numerous among the sepoys of our army; they are commonly found as bankers and traders among the mercantile classes; they take all kind of service, and are even constantly met with as common labourers. They are priests, astrologers, and cooks, wherever they can find employment as such,—cooks, because a Hindoo who can afford only one servant keeps a Bramin to cook his meals. All classes can eat at his hands, and the employer has also the merit of supporting one of the sacred order. But generally speaking, where the Rajpoot family have been long dominant, the Bramins have not the same respect, influence, and share of good things as elsewhere; are in fact very much superseded as priests by the monastic orders, and as men of business by the writer caste; and so they are reduced more nearly to a level with other people. But they still retain some share of respect from all good Hindoos; and in all positions (except perhaps as pure agriculturists) they have something of the wily character of the race,—try to assume the attributes of a tribe of Levi, to influence fellow-servants, fellow-sepoys, and such like; and are generally cunning, clever, and insinuating, yet bold and manly enough when necessary. Although but a small proportion of the Bramins are priests, there are a good many of them about the country in that capacity, and as schoolmasters, &c.; and they are the exclusive guardians of all the Hindoo sacred places, and reap an excellent harvest from devout pilgrims.

their occupations;

their position and character in the north;

In the south they are altogether an immigrant race, settled there within the historic period, and both in Bengal and in the Deccan they seem to hold a much higher position than they now do in Hindostan, to have much rank and influence, and in the Deccan to monopolise the profession of the pen and all the business of the country. There too they are numerous, and follow many professions; but they seem to have the best of everything, and not to descend to the lowest offices; to have acquired the most valuable landed rights, and most of the district and village offices, which never fall to any priestly class in the north.

In the south and in the north.

As priests the Brahmins are a purely secular clergy: profess no contempt for the things of this world, have wives and families, and riches as much as they can get. The four stages of a Brahmin's life, and all that kind of thing, as described by Menu and related in Europe, have no existence now; a Brahmin never wanders about as an ascetic, but lives comfortably. Hence they are deservedly superseded in much of their influence by the comparatively modern religious orders which are drawn from the general population, and many of whom renouncing the world, lead an enthusiastic devoted life, and form a kind of regular clergy. They are described by Elphinstone, vol. i. p. 110, and are an innovation, doubtless caused by the shortcomings and worldliness of the Brahmins. But even of them many have now become secular and corrupt. Many of the orders permit marriage and acquire property. Sometimes they have well-endowed institutions, where they dispense food to the needy, and do a great deal of good.

The Brahmins as priests.

The monastic orders.

Next I must classify the cultivating population, which, in a country like India, exceeds in numbers and importance all the others. The Greeks,

The cultivating population.

in their accounts, make two castes of herdsmen and cultivators, and it may well be that they had some ground for the assertion. Although in the present fully populated and settled condition of the country the distinction of occupation is not fully kept up, there exist throughout India classes which still retain most unmistakeable nomad propensities and character; and others whose occupation is exclusively the cultivation of the ground—more like gardeners than farmers—who cultivate highly small plots and valuable products, and have little to do with flocks and herds. This may not improbably have been the original division of labour when there was plenty of room for pasture, and cultivation was confined to the land immediately around villages. Now-a-days, there is in most parts of India no real nomad country, and the nomads have settled down into inhabitants, cultivating more or less. But, however they are settled, they are still distinguishable. In Bengal and some parts of the south the cultivating classes seem to be entirely made up of the gardening castes, the nomads, and a great accession of miscellaneous classes who have taken to the plough as cultivation extended. In Bengal especially, which has much progressed of late centuries, I could not hear of any great farming landowning tribes, such as I shall describe in the north; but, in addition to the petty cultivating classes, people of all kinds of castes—goldsmiths, and oilmen, and fishermen, and I don't know who besides—have adopted agriculture as a hereditary profession; and I believe that it is the same in some parts of the south.

Greek division of cultivator and herdsman castes, which can still be traced.

The cultivators of Bengal.

Of the origin of the nomad races—Aheers, and Goojars, and Gwalas (or cowkeepers)—we know nothing. Ferishta ascribes to the Aheers (a tribe very widely spread over India) an Arabian origin,

The nomad races.

but does not give his grounds for the assertion, and probably had none but the resemblance of occupation. Although the nomad tribes now to a certain extent adopt agriculture, they are invariably bad cultivators, and much prefer flocks and herds, and little-cultivated parts of the country. They are great thieves and cattle-lifters, have plenty of courage and energy, but do not like the discipline of the regular army. The gardening classes mostly seek rich alluvial lands, and are the great producers of sugar-cane, tobacco, and such finer crops. They are not martial, and hardly ever take service as soldiers.

The gardening classes.

But I have alluded to other great farming tribes in the north. These are the democratic races formerly mentioned, who now form the great mass of the population of a large part of India, and unite the occupations of the herdsmen and cultivators. They are in fact by profession agriculturists in our sense of the word. They have nothing at all nomad in their character, but settle down to the possession of arable land, and farm on a large scale, growing principally grain and all kinds of farm-produce, rather than sugar, tobacco, and the finer articles, and also keeping as many cattle as the nature of the country will permit. In low lands they may cultivate exclusively; in some high, dry situations may depend principally on their cattle. They are not a literate race, never follow the profession of the pen, and read and write only to keep their own accounts; but, wherever occasion calls them forth, they make excellent soldiers, and especially regular infantry. In all their physical, moral, and social characteristics they eminently resemble the races which overran Europe. They have none of the Oriental Jewish cast of countenance found among the Affghans and many Mahommedan tribes in

The democratic farming tribes of the north.

Asia. The Rajpoots are the first and best-known type of this family, but I describe it rather as it originally was than as the Rajpoots now generally appear after long ages of conquest and domination. The original type is much more perfect in the Jats, whom I have mentioned as identical with the Rajpoots in all essential characteristics, although a more recent tribe, which had not till lately aspired to general conquest and domination. They claim kindred with the Rajpoots, and allege that they are Rajpoots who have lost caste. But it is more probable that they are tribes of the same family who never attained the same rank, and, not having been the conquerors of India, were content to assume a lower place in the Hindoo scale.

I have mentioned that some of the democratic tribes seem to have gone south, and I find mention made in the Tamul country, and even in Ceylon, of a people called Vellallers, who must, I imagine, occupy much the same position as the Jats in the north. It is stated that they are cultivators by profession, and that these cultivators look down upon and consider themselves superior to the other classes. The Vellallers invariably represented themselves to have settled in and taken possession of the country in a body at a comparatively recent date. They formed large communities of a purely democratic constitution, and alleged that they were the originators of the democratic Meerassee tenure in the south, which is described as existing in their villages word for word as I should describe the constitution of a Jat or Rajpoot village of the present day. They are doubtless a cognate people settled in the other extremity of India. I also observe that the hills of the northern Circars are said to have been conquered and ruled over by a people from the Tamul country called Velmas, just as Rajpoots have established themselves in other parts, but I have not

Similar tribes in the south.

been able to ascertain whether these Velmas have any connection with Vellallers.

General characteristics of these tribes.

All the tribes of this race refer to some period of uncertain date when they settled in a body. They claim and exercise a very strong proprietary right in each village over the whole land, cultivated and uncultivated, and divide the cultivated land in fixed shares, which are supposed to represent the original division by the first settlers, and the subdivision by inheritance. Among themselves their constitution is, as I have said, purely democratic, and they are represented by elected committees or Punches. They do not admit any other inhabitants to such rights, but regard them as their servants or serfs; and so it happens that, though democrats where they form the main portion of the population, wherever (as has occurred in many parts of India) they are merely dominant families settled in villages and claiming superiority over the rest, they are rather oligarchs. As the Rajpoots became military conquerors, and successive conquerors have since exercised political rule, there has been in modern times no opportunity for democratic institutions on a large scale such as Alexander found. The democratic races are now quite content to acknowledge a general government, and pay the revenue of the state, so long as they enjoy unimpaired the democratic institutions of their own villages, and care not for further political independence so long as they have that personal independence the love of which Guizot mentions as introduced into the Roman world by the barbarians, and which these races also especially esteem. The constitution of the village communities will be afterwards more particularly described.

The Rajpoots seem to have been settled as a nation about the Upper Ganges, Jumna, and Sutlej; Lower

Rohilcund, the middle Doab, and Bundelcund are still, to a certain extent, Rajpoot countries. The armies which they have sent forth to conquest have doubtless in course of time much thinned their numbers, diminished their vigour, changed their character, and made them somewhat effete. But still many large and perfect Rajpoot communities exist in the countries I have mentioned. There are the remains and scattered villages of the race to the west and in the Punjab, and many of them seem to have found their way into the neighbouring Himmalayas. To the east, in Benares and Bahar, they are numerous, but there seem to be settled rather as dominant families than as great cultivating communities. The old Rajpoot princes are settled with their military followers in feudal style in parts of Malwa and the habitable portions of the desert, forming what is now called Rajpootana, but this is rather their adopted than their proper country. In the rest of India the Rajpoots have only settled in smaller numbers, as chiefs, princes, and military dynasties—more numerous in the nearer parts—less so in the farther. They are numerous in Guzerat; there are a good many in the Maratta country; and farther south they are scarce, and principally known as the princely families who preceded the Mahommedans. A curious fact is the way in which Rajpoot families have made themselves clannish chiefs of remote districts, and alien peoples never properly conquered by them; and there is a great analogy in this respect between them and the Normans. They have pushed their way by superior vigour just like the Normans, and we find Rajpoot chiefs of the savage aborigines of the mountains, just as Norman families in Scotland became chiefs of our Celtic Highland clans. The Rajpoots.

Besides the pure Rajpoots there is in the original Raj-

poot country a large class claiming kindred with them, forming the same kind of communities, but not of pure caste. They are all doubtless of the same family, and are, like the Jats, better behaved and better cultivators than their brethren spoilt by prosperity.

It is not to be wondered at that the Rajpoots should have somewhat deteriorated. They are now but indifferent cultivators and bad revenue-payers—too prone to idleness and fighting. Many of them, especially of the higher classes, were converted to Mahommedanism. West of the Jumna most of the Rajpoot communities have gone over in a body, and are generally the worse for the change, very bad cultivators and great thieves, living in the remembrance of their privileged days, and rapidly giving place to the fresher and more energetic Jats.

The Rajpoot chiefs trace a descent from times long anterior to history; blood and family they consider above all things; and the matrimonial alliances of different families are regulated by the nicest and most jealous rules. Of course the marriage in some instances of their daughters to the Mogul emperors was a political necessity, violating all rules, and, in their eyes, no marriage, but a social death of the bride.

The Rajpoot prince hardly exercises the authority of a sovereign. He is surrounded by feudatories, large and small, generally claiming kindred or clanship with himself, to whom the greater part of his territory is allotted on tenure of military service, and each of whom exercises most of the powers of government in his holding or Jagheer. The relation between superior and inferior is so exactly feudal, that I need not farther detail it.

Their religious guides are generally their own bards and devotees rather than Bramins.

The Jats are seated along the Jumna from Agra to the Himmalayas, to the west of that river, and throughout

the Punjab. A flourishing and increasing people, they form, in fact, the great mass of the population from the Jumna to the Ravee, and in smaller numbers extend much farther. In the upper part of the Doab, between the Jumna and Ganges, they are numerous as cultivators, but have not there aspired to a martial and dominant character. Towards and along the Indus they have been, in common with the other Hindoo agricultural tribes, converted to Mahommedanism, and, like others similarly situated, have deteriorated in blood, energy, and character from the change. But in the country I have mentioned as peculiarly Jat, between the Jumna and the Sutlej, locally called Malwa (whether as an extension to the north of the great province of Malwa, or a mere coincidence of name, I know not), and again between the Sutlej and Ravee, called *Manjha*, they are in their full vigour. There are traces of the former possession of this country by the Rajpoots, and the Jats are avowedly comparatively recent settlers. Of their previous history they can give no very distinct account, except that they seem to have been advancing from the west and south-west, and claim kindred with the Rajpoots; but they now fully occupy the country in large village communities of a uniform constitution. The Jats.

The Jats are ranked as Hindoos, and are physically and politically as much so as the Rajpoots, but have never been assigned good rank among the castes, and are in their conduct and observances very bad Hindoos. In fact, as distinguished from the Mahommedan races, they are in every respect Hindoo, but among Hindoos they have less than any other tribe of the old Hindoo blood, and more purely that of the later democratic races. They have very great physical and moral energy, are admirable cultivators, and, under a fair system, excellent revenue-payers, are prodigiously tenacious of their rights in the

land, and very orderly and well-behaved while in possession of those rights: in fact, in every way they are, beyond a doubt, the finest population in India. They make capital soldiers, and in the decline of the Mogul empire began to develop that military genius, though not so early or so quickly as the predatory Marattas. All along the upper Jumna Jat chiefs rose to considerable power—in the country about Agra, Dehli, and in Sirhind or Malwa Minor; and it was, as I have before said, in the Jat country that the Sikh religion arose, and among that people that it found most of its followers. It was from Manjha that the most uncompromising and successful Sikhs took their origin; but the Jat chiefs of Sirhind had also adopted the Sikh religion, and, with their followers, were called Malwa Sikhs. The latter, however, always kept place as feudal chiefs, but the Manjha Sikhs were more purely republican in their arrangements. They acknowledged leaders, but rather followed than obeyed them, and in their conquests each soldier had his assigned share, something additional being given to the leaders for their expenses and remuneration. They were united in different confederacies or "misals," under different leaders, and each misal again had various subdivisions, each subdivision acknowledging a limited allegiance to the general leaders, and managing its affairs through its own elected head.

The Koormees.

One of the most widely spread and best of the agricultural tribes is that of the Koormees. They are common in the lower part of the north-west provinces, and extend quite across India to Bombay, forming the principal agricultural population of Central India and the Maratta country. They seem in many things to resemble the Jats, but are more exclusively agricultural, have less decided proprietary rights, and less democratic institutions. I have not so intimate an acquaintance

with them as to give a decided opinion as to their origin, but may hazard a conjecture that they may have sprung from an intermixture of northern tribes with the ancient Hindoo cultivators.

My want of local acquaintance with the south prevents me from giving particular details of the locality and condition of the Vellalers and kindred tribes in that part of India.

Elphinstone's views as to the origin of the Rajpoots and Jats.

Elphinstone has entered on the question of the origin of the Rajpoots. Tod had shown the probability of their western origin, and supposes them to be Scythians. Elphinstone admits that there is ground for supposing that *some* people immigrated into India from the West, and decides that they were not Rajpoots, but probably Jats. But here he has evidently been misled by an imperfect local knowledge of the north of India. He speaks of the Jits or Jats as an *inferior* race in the Punjab, different from the *Jats*, a "local tribe near Agra." Assuredly the Jats are not a local tribe near Agra, but a far extended people such as I have described. The Jat chiefs of Bhurtpore, &c., intermarry with the Sikh chiefs of Sirhind, and they again with the Manjha Sikhs; and the people, far from being local to Agra, and occupying an inferior position in the Punjab, are spread over the whole intermediate distance, and are the dominant population of the greater part of the Punjab. In the farther Punjab and in Scinde the Mahommedan Jats are a scattered and deteriorated race; but I have made repeated inquiries, and never could discover that they are any separate people. The Jats are, as I have explained, in all essential characteristics, of the same family as the Rajpoots; and certainly, if the Jats come from the north, so do the Rajpoots: they are but successive waves from the same source.

The story of the descent of the Rajpoots from Khatree

fathers and Soodra mothers was probably invented to justify their admission into the Hindoo orders; the more as they have perhaps absorbed and incorporated the Khatrees. But a great people was never formed from a mere illicit connection of this kind. "Scythians" is a wide word, and the Rajpoots and Jats are certainly not the Mongol nomads described by Elphinstone; they are neither Mongol nor nomad. I make no doubt that they are of the same great races which overran and peopled Europe, and which are known to us as Germanic. There is a great similarity in many of their customs and institutions to the ancient Germans as described by Tacitus. Their political system, their leaders of limited authority, their capacity as infantry rather than cavalry soldiers, their agriculture, the constitution of their village communities, the common right to common lands and distribution of it according to shares, the compensation of homicides by transfer of land, the exclusion of females from succession, the burning of dead bodies—all are points common to the two races.*

* My space did not admit of a lengthened investigation of the origin of races, and, in fact, I had not made a study of the subject. I merely formed the conjecture of the identity of the Indian democratic tribes with the Teutonic races from a general idea of the character of the German nations; but I have since seen Kemble's 'Saxons in England,' and there find in Chap. II. a description of the German "Mark," corresponding to that of a Jat or Rajpoot village with an exactness and minuteness of detail which I could hardly have thought credible, and which, to my mind, makes what was a conjecture now almost absolute certainty. There may be some things common to most men under similar circumstances, but other things are not so, and there is nothing which so permanently distinguishes races as social habits and institutions. Kemble particularly marks the most notable points of the German character as distinguishing them from Celts, Scythians, Arabs, and all others, and in all these points their identity with the Indian tribes is perfect. I have reserved for the next chapter a more particular account of the village community, and have not space to give it in great detail, but no one can peruse a full description of such a community, and then Kemble's account of the "Mark" without being satisfied that the resemblance is much more than accidental. The settlement of cognate families in a body—their peculiar constitution—their agricultural habits, combined with the possession of cattle—

Having disposed of the cultivating, I come to the mercantile classes. In the extreme north we have a caste called Khatrees, who may possibly be descended from the ancient Khatrees, but are now mercantile, and have the mercantile characteristics, except that they do not object to, and sometimes follow, the profession of arms. The mercantile classes. The mercantile Khatrees.

As merchants and bankers these people extend far into interior Asia. Toder Mull, Akber's minister, was a Khatree; so was Moolraj of Mooltan. With this exception the mercantile class throughout all India seems to be quite identical. Neither Rajpoots nor Mahommedans, nor any other conquerors, have interfered with their peculiar avocation. They are much the purest and most orthodox Hindoos—more so, I should say, than the Bramins, who may once have been conquerors, and now turn their hand to anything. They are bigoted in their religion, and abstain from animal food, exclusive in their habits, devoted to their peculiar calling, entirely unmartial, and in their appearance generally fair (probably the result of their in-door occupations), with the sleek Egyptian countenance in a greater degree than in any other class. In their own line they are an extremely vigorous energetic race, and a great support to the country. By them almost exclusively is capital accumulated and circulated; and in their capacity of bankers and traders they are found in every village, and highly cherished in all native states. It has been the fashion with us rather to decry them as usurers, while our system altogether The common mercantile class.

the division of arable lands—the common pasture land—the rights and privileges of freemen—the position of inferiors—the council of markmen—the lord himself originally only first markman—and many other particulars, are all such that, the names being transposed, the whole chapter might be given as a most faithful and exact account of the Jats instead of the Saxons. I should say that, while the Bramins are of the kindred of the Greeks and Romans, the Rajpoots and Jats are of that of the barbarians.

favours them, and our courts have a tendency to create an antagonism between them and those with whom they deal. But we should consider that, after all, things are so arranged that the pursuit of self-interest leads to the right principles of political economy better than the artificial appliances which have been too much attempted in Europe; that (to take the instance most common in India), there being free trade in grain, the mercantile classes, by buying cheap in cheap years, and selling dear in famine times, effect the just measure of accumulation and distribution according to the necessities of the market; whereas, if they did not buy cheap, no grain would be accumulated, and, if they did not sell dear, the supply would not be eked out in proportion to the crisis. It is better in all such things, especially in mercantile matters, to let things take their unfettered natural course, and the merchants need not be decried as enemies of the human race because they make usurious profits in hard times. The natives, whose political economy is generally natural, and therefore right, have little such feeling. A village community could not get on at all without a mercantile man as banker, money-lender, and accountant, and all these functions are performed by the mercantile caste.

The Kaits, or writer caste.

I must not forget to mention a class which has flourished much under us—the Kaits; I know not their origin, but their profession is exclusively the pen. In the north entirely, and in Bengal for the most part, they have superseded the Bramins as writers, accountants, &c. They adopt indifferently the Persian character as that of State business, or the Hindee as that of the people, are capital men of business, and have long held many offices under government.

Artizans, &c.

In regard to artizans and all the smaller trades of every sort, I need only here generally remark that every possible occupation forms a separate

caste, following its avocations with hereditary skill, but little mechanical aid.

Lastly come the low classes, existing in much the same situation, but in different numbers, throughout India. It has been remarked that no democratic republic seems ever to have succeeded which included the whole population alike. The balance of the constitution could not be maintained, and there has always been in such cases a large population of free republicans, with an inferior class to do the dirty work. Thus in Greece, Rome, and America we have slaves, and the constitutions of Tyre, Carthage, Venice, Holland, and England have always been more or less aristocratic. So it is in a republican Hindoo village. Though circumstances preclude in most parts of India actual slavery, there is always a class without political rights who do the inferior work, and are held in subjection. In the north they are generally much fewer than the proprietors, but still relieve them from particular tasks which they think beneath them. In the south they form a large portion of the population. These inferior classes are two. There are the Chamars, or preparers of leather, in numbers much out of proportion to their profession, and who, in fact, carry burdens and work as labourers more than any other class; they eat carrion and unwholesome food, and have an inferior appearance; they may and often do cultivate to a considerable extent, but do not serve as soldiers. They are admitted as Hindoos, though at the bottom of the tree, and consider themselves a distinct caste with an exclusiveness of their own. The other is the actual outcast class, who are not admitted to be Hindoos at all, and whom good Hindoos regard with abhorrence and dread of their very touch. In the south of India these people seem to be in great numbers, of inferior personal appearance, and

The low classes.

The Chamars.

The outcasts.

to be regarded as the aboriginal race; but in the north they are not so numerous, and have not the same personal characteristics: on the contrary, I think that, when in good circumstances, they are by no means physically inferior; and what chiefly distinguishes them from the Chamars is that they make capital soldiers. When there is anything very daring or desperate to be done, they are the men to do it. It is probable that, although the class may have originated in the aborigines, the latter have disappeared from the north, and their place may have been supplied by outcasts, men of desperate characters from all classes, and so become a hardy mixed race. It is a curious circumstance, indicative of the fate of the aboriginal race when conquered by the Hindoos, that the word used throughout India to express a bearer of burdens is "coolie," the most widely spread name of the aboriginal tribes, the "Calantiæ" of Alexander, the "coolies" of the interior hills.

The gipsy races.

There is throughout India a wandering gipsy race in considerable numbers, with all the characteristics which belong to that race in all parts of the world, without fixed houses or habitations of any kind, but moving about continually, and following all kinds of avocations, honest or dishonest, except those which require hard labour. There are several different varieties of this class.

The Mahommedans.

It remains that, before leaving this division of my subject, I should give some account of the Mahommedan population, something of which, and the sources from which it is derived, I have before noticed, as well as the conversion of most of the population about the Indus, and from that river as far as the Chenab (the mercantile classes excepted), and of large portions of the Rajpoots and other tribes. In the plains from the Chenab to the Jumna, besides most of the Rajpoots, the nomad and miscellaneous cultivating classes have been

converted, but not the Jat population. Passing eastward again, there is in the Dehli and Agra provinces a considerable Mahommedan population, but I believe not so large as in Bengal. They seem to be numerous in the south, as the sepoys from thence are principally Mahommedans. In the east of Bengal there are more Mahommedans than anywhere else, and it seems at first sight unexpected that near the seat of the Mahommedan government the proportion should be less than so far off; yet it is doubtless explained by the more sturdy independent character of the people. In Bengal and the south the Mahommedans are no doubt principally converts, and the proportion of foreign Mahommedan blood is much less than in the north; even in the latter quarter I doubt whether there is much foreign blood in proportion to the population. The chief immigrants are Affghans, Patans, or Rohillas (for the terms are nearly synonymous). We find occasionally Patan villages, but I should think that they are much recruited by converts and native blood; and in Rohilcund and other places Rohillas have often established themselves as dominant village zemeendars or individual cultivators. Where the northern Rajpoots and similarly situated tribes have been converted in a body, they retain the names of the castes and many of the habits of their Hindoo forefathers, yet (what one would hardly have expected) are generally a good deal changed and *Mahommedanized* in personal appearance. The other Mahommedans are miscellaneous converts from the general population, with a proportion of the blood of Ture or Mongul or Persian adventurers, with whom they have indifferently intermixed, and after whom they call themselves Moguls, or Syuds, or Sheiks. They are fairer than the rest of the population, but have more of Hindoo than Affghan feature, and have adopted many Hindoo fashions, as if they would maintain their rank as a separate caste among Hindoos—will not eat with unbelievers, and so on. The higher classes, and those

with a larger share of foreign blood or of more recent power, have of course the feelings natural to a fallen race, but most of the Mahommedans partake little of this feeling. They follow all occupations, but, as may be supposed from their origin, are principally to be found in towns, and seek chiefly all kinds of service. Among the Mahommedans alone are found men of education and feeling something corresponding to ours, especially among those of foreign blood. The Hindoos do not combine education and soldier-like qualities; some are educated — some honourable soldiers; but a Mahommedan, like a European, may combine the intelligence of the one with the gentlemanlike character of the other.

The Affghans.

Although the Affghans are not Indian, they appear so much in Indian history that it may be well here briefly to notice them. Their origin is not known; they claim a descent from the ten tribes of Israel, and certainly have a good deal of Jewish feature. They are a fine race, of a ruddy olive complexion. They are generally of the Sunnee sect of Mahommedans, and differ in every way from the Persians, though some of the latter have found their way into Affghanistan. They inhabit a very mountainous country, form several different tribes, and live under a system of clans and chiefs; but the authority of the chiefs seems to be very limited. They are above all things impatient of rule and control. Not only to us have they given trouble, but the Mahommedan emperors, whose first territory was Affghanistan, could never keep in order the Affghan tribes bordering on India; and the most powerful of them had more trouble from petty clans about Peshawar than from all the rest of their subjects put together. The Affghans are always ready to serve as mercenaries, under any one, and anywhere. The Beloches in the hills to the south of Affghanistan seem to be a different people, smaller and darker, and

more Arab in their ways. They are a purely nomad race, unwilling to take regular service, but always ready for thieving and plunder. A great many of them are settled throughout Western India, in the professions of camel-drivers and thieves.

It is from Bengalees and the purer classes of Southrons with whom we first came in contact that the early popular ideas of the mildness and effeminacy of the Hindoos are derived. Such was probably the character of most of the Hindoo cotemporaries of the Egyptians, but in the north and among many tribes of the south the northern blood has (as the description already given has shown) completely changed this character and infused a full share of courage and energy. Yet still it is, to a great extent, the courage of excitement. The persevering, indomitable, moral courage in *all* matters of the European is generally wanting at a push. The natives seem to have less fear of death than Europeans, do more rash things, and fight well when led or disciplined, but are easily disheartened by reverses.

Personal character of the natives generally.

Physical courage.

Perhaps the most important point in distinguishing the character of different races is that of industrial energy; that in which the difference is so marked between the Celtic and Saxon races—the one without much desire to improve their condition, or inclination to work more than barely to support existence, the other always ready to push onwards. In this respect the character of the mass of the natives of India is decidedly good. They have none of the laziness or apathy of the Celt or Negro, and the more they get the more they want. It is fortunate that it is so, or, in so large a population, great competition for bread, and necessity of labour in raising crops, they would not subsist as they do. With peace and prosperity the Hindoos make a great deal of

Industrial energy.

money, and, though they also spend it extravagantly, they are well fitted to accumulate capital. In talent the natives are by no means inferior to Europeans.

Talent.

Their intellects are excellent. They are remarkable for a mathematical clearness of head and talent for figures and exact sciences, which is not general with us, and it is worthy of note that this talent is found most remarkably in the purer Hindoo races, and does not appear to so great an extent in the northern agriculturists, whom I suppose to be more of our blood.

Literature and education.

The literature of the Hindoos is entirely ancient; there is nothing modern deserving the name. The Mahommedans have the Arabic and Persian literature. They may be well-educated after the Mahommedan fashion; but there is nothing of a corresponding kind among the higher Hindoos. As with them all labour is divided, so is learning considered the province of learned men, and that learning is of a useless sort. Printing was not at all practised. On the other hand, in no country is manuscript cheaper or more expeditious, and in no country are written documents more largely used in all the common affairs of life—agreements, receipts, accounts, statements of evidence, &c. &c. But in this, too, is the division of labour conspicuous. Writing is generally done by those to whom writing is a profession, and accounts are kept by those to whom accounts are a profession. Perhaps good clerks are more abundant, better, and cheaper in proportion to other labour, than in any country in Europe; they are to be found in every village, but the mass of the population is not literary. There is, however, a considerable proportion of the people who have received a rude education, such as they require to read receipts, sign their names, and keep little accounts. The whole of certain classes, especially all the mercantile [illegible] well educated in their own way. What is the

proportion to the whole population of persons so educated I am unable to say, but it is smaller than in Europe. The women are generally uneducated; but among the Jats, and such tribes, where they enjoy greater freedom, they are sometimes so far educated as to keep the household accounts.

I take it that the Hindoos were formerly more generally educated than now. Mahommedan historians represent early Hindostan as famous for the number of its schools; and I have observed that a very large proportion of the purer Hindoos of the hills read and write with facility. The hundred years of political commotion which preceded the establishment of our power probably did much to break up the schools and render the people illiterate. We found few scholastic institutions, and education was merely received by those whose avocations made it worth their while to learn privately. In towns were generally found persons teaching classes of the boys of the mercantile and writer castes, and of the Mahommedans.

The litigious lying character commonly ascribed to the natives is to some extent to be found everywhere, but seems to be more or less prominent as the blood is more or less purely ancient Hindoo. Litigiousness is to a certain extent the result of the transition state from anarchy to order. The rights of the different classes are unsettled by anarchy and rendered uncertain by a new system. They have been accustomed to fight over their claims, and, that instead of arranging matters being forbidden them, they look it out in courts of law; and the feeling is exactly described by Scott in the case of Dandie Dinmont, who might not find his neighbour about the [illegible] was determined to "*ding*" him in [illegible] Many a case I have had to decide [illegible] ledged that among th[illegible]

Litigiousness and untruth.

races there is a great proneness and aptness to cunning and litigious arts; but among the agricultural tribes of the north I doubt whether it would be much more so than with Europeans under similar circumstances, if not encouraged by a peculiar system.

Truth certainly is not in the nation; but the difference is, that some lie with more cunning than others. A Bengalee makes up a story with all kinds of premeditation and circumstance, and supports it by all artifice; while a northern Jat lies in a good-humoured way, and may be reasoned with, and induced to cut down his statements. It is also worthy of note that oaths, as administered among themselves with peculiar sanctions, were of remarkable bindingness and efficacy, and very seldom falsely sworn. It is not unlikely that the cunning and untruthful character of the natives may be the result of continued and repeated political slavery, leading the vanquished to have recourse to cunning arts.

Want of patriotism.

Doubtless to the same cause is due much of that want of patriotism and extreme selfishness which only looks to a man's own case, and cares not what may befall his neighbour, for such is very decidedly the character of the people. And it is, indeed, a very marked characteristic of India, that, while the whole population [illegible] to a certain extent socially one, they have no politic[illegible]ity whatsoever. Not only have the Mahommedans [illegible] Hindoos no political feeling in common; but no ty[illegible] classes, or castes of Hindoos pull together in poli[illegible] which in the first instance is [illegible] doubt in a [illegible] he consequence of political [illegible]very, is no [illegible] cause of it. Natives of [illegible] class [illegible]ether, have their alliances [illegible] [illegible]nploy one of them in the [illegible] no particle of political [illegible]on of a class, if even

so much. Political nationality there is none; and even in matters of public concernment between the people and the government there is little public spirit. They have so long lived under an alien and despotic government, that they feel little bound to assist it; and in the pursuit of criminals and such matters, if a man is immediately touched himself, he is active enough; but so long as this is not the case he moves not in the matter, and renders little assistance.

The natives have pretty strongly what we call the "*moral sense*," the feeling of sympathetical pain in witnessing human pain, and pleasure in human pleasure, when it is brough quite close to them; but they have come to regard most atrocious classes of criminals and enemies of mankind with little personal horror, so long as they are not actual spectators of their deeds. Generally speaking, they certainly are not a cruel or bloody-minded people, and do not generally commit so great atrocities as barbarous and excited Europeans. But when particular classes or individuals make blood a profession, they acquire a coolness and insensitiveness which we could hardly attain. Moral sense.

It is, I think, a remarkable distinction between the manners of the natives and ours, and one which much affects our dealings with them, that there does not exist that difference of tone between the higher and lower classes—the distinction in fact of a gentleman. The lower classes are to the full as good and intelligent as with us; indeed, they are much more versed in the affairs of life, plead their causes better, make more intelligent witnesses, and have many virtues. Difference between higher and lower classes.

But these good qualities are not in the same proportion in the higher classes: they cannot bear prosperity: causes them to degenerate, especially if they are bor

greatness. The only efficient men of rank (with of course a few exceptions) are those who have risen to greatness. The lowest of the people, if fate raise him to be an emperor, makes himself quite at home in his new situation, and shows an aptitude of manner and conduct unknown to Europeans similarly situated; but his son is altogether degenerate. Hence the impossibility of adapting to anything useful most of the higher classes found by us, and for all fresh requirements it is necessary to *create* a fresh class. From the acuteness and aptness to learn of the inferior classes, this can be done as is done in no other country.

Arts and sciences.

In the useful arts the natives are as far advanced as they can be without modern sciences or mechanism. I believe that the system of hereditary trades secures greater individual skill than if each man were to follow his own bent. Their weavers I should think at least equal to our hand-loom weavers; their carpenters and blacksmiths have wonderful skill with small means, and will make anything that can be made without great machinery.

Agriculture.

Agriculture is an art in which their skill is most remarkable. In nothing does Mill evince a want of knowledge of India so much as in his depreciation of their agriculture. They have not large capital or machinery, large farms or scientific farmers, as in rich modern countries; but their system is suited to the country, and the proof of their excellence is in the crops they raise, and the fact that, with all our [illegible] of their rudeness and our skill, no European has [illegible] been able to compete with them for a moment in [illegible] agricultural product, though he can get land and [illegible] as cheap as they can.

[illegible] general rule, farming is not carried on by hired [illegible] A man has his own little farm, ploughs and

cultivates it himself; he generally has sons or brothers to assist. He may occasionally hire labour, and certain services are performed by the inferior inhabitants of the village. But large farms there are not. What is wanting to small cultivators is supplied by their union in village communities; the community has its common artificers, and bankers, and watchmen, and threshing-places.

The plough is light and rude, yet may be suited to the soil, climate, and light draft cattle, and certainly no European has ever made anything of a heavier and deeper instrument. The fields are manipulated to a very great degree, ploughed and reploughed a dozen times, and reduced to a powder without a clod or a knot. The result is that excellent crops are obtained from wonderfully dry-looking soil, and an English farmer would be astonished to see grain crops where it may not have rained for three or four months. To appreciate the skill of the natives a man must try a little cultivation on his own account, and see whether he can make it pay, or in any way succeed so well. I have tried it, and have seen a good deal of experiment. The rotation of crops, and art of keeping up the virtues of the soil, is well understood. The capital expended on the cultivation of the more valuable crops, and on wells and works of that kind, is not inconsiderable.

The condition of the women among the Hindoos is good; their confinement is a Mahometan institution, which is imitated by some of the higher Hindoo classes, including most of the Rajpoots, but is alien to their genius and habits. In all Hindoo families the women play an important part. As widows, they have in many cases separate maintenance, and when there are no sons they retain the whole property. Practically, the general rule is that one man has one wife; but men of rank and wealth may, if they please, increase the num- Condition of women.

ber indefinitely (generally when there is no family by the first), and the result of this partial polygamy and of the universal practice of marriage is that the demand for women rather exceeds the supply, and that they are sought after as valuable.

Every woman is married as soon as she is old enough. Most marriages are arranged beforehand by the parents of children, but sometimes and among some classes nothing is settled till they are grown up. Marriage is a very regular and binding ceremony, and cannot be dissolved. The general opinion is certainly against second marriages, but many tribes have the Jewish custom by which the brother of the deceased husband succeeds to the wife (a right loudly claimed), and the less strict classes practise second marriage without scruple.

Social habits.

Abroad the people are very much united, but in their own homes one caste knows not another. Still they have large family circles, and within those circles have many social virtues, and assist and support one another to an admirable extent. Families generally live together as on the Continent, and the young men who go out to service return and remit money most dutifully to their families.

The general manners and habits of the people are strikingly like those prevailing among the Jews when the New Testament was written.

Support of paupers.

A feature of their social system which must be noticed is their mode of supporting paupers; for in every country there must be a large number of the population unable to support themselves, and who must be supported by others. In no country, I believe, are these people systematically permitted to die of want, and they are either supported by Government or by individuals. In India no provision has ever been made by Government, but it is a remarkable fact

that, being left to itself, the evil provides its own remedy. In India (excepting what is due to private benevolence, casual, or from benevolent institutions) every family supports its own poor, and public relief, never having been heard of, is never expected or required. The system seems to answer its purpose; the burden, probably, in the end becomes pretty equal; and the wasteful expense of collection and distribution, the demoralization of the people, and many evils of our system, are avoided.

And here it may not be out of place to give some opinion of the condition and the degree of riches of the people. I need not go into the abstruse question of the causes affecting the relative value of money and food in different countries. It is sufficient that, when wages are low and articles of consumption are also low-priced, a man is as well off as when both are high. The nearest approach to a uniform standard is, I should say, the proportion which the cost of sufficient food for the support of an able-bodied man bears to his wages. He who can feed himself for half his wages is richer than he who can only do so for three-fourths. Even if his wages in money be not half so much, he has a greater proportion of luxuries. So in India wages are very low, but food is also low. According to the standard I have laid down, the English labourer, under free trade, must still have much the advantage; but then, again, comes the difference of climate. An Englishman requires stronger food, a more expensive house, more fuel, and more clothing, as *necessaries*, all which makes the difference much less than we might suppose. An able-bodied labourer in India makes about 2½*d.* or 3*d.* per diem but then he can get 2 lbs. of coarse grain for about one halfpenny. And again, if we take the rent of land to average about five shillings per acre, that is, in proportion to food and labour, a high

Wealth, wages, &c.

rent, indicating a very fully cultivated country. As to capital, the proportion in India is of course infinitely small compared to England, but it is not by any means entirely absent. The mercantile classes have always had a good deal of money, which, through them, is actively employed in all the ordinary operations of the country. The rate of wages seems to be somewhat greater in the south than in the north, whether from proximity to the sea, and facility of communication with other countries, or from under population, I pretend not to determine; but, notwithstanding, the people of the south seem to be much poorer, to have less to spend on luxuries, if we may judge from the comparative smallness of imports. The south seems to have much fallen off from what it once was in population, riches, and everything else, as evidenced by many dilapidated remains.

Castes.

The institution of castes is, in fact, originally nothing more than a great system of very minute hereditary division of labour. Our ideas of it are too much derived from descriptions of caste as it existed in Menu's time, or as Menu thought it *ought* to exist. The four great classes are no longer in existence, but the variety of castes is infinite. I have said that every occupation and subdivision of an occupation forms a separate caste, and these again are subdivided. To this classification successive immigrations have added another, that of different tribes and subdivisions of tribes, of which the distinction is not so much of occupation as of origin and family, each tribe taking place in the Hindoo system as a separate caste. There is doubtless a distinction of rank, some castes ranking higher than others; but, after all, it is most decidedly a division of labour or of clans, and not a division of rank. There is, in fact, no fixed general classification of the rank of castes—it is a mere matter of opinion, and exclusiveness is generally mutual. The higher castes

have no considerable advantage over the lower in the material enjoyments of life, and when there is superiority it is rather political than the result of caste. A middle or inferior caste man retains his exclusiveness and his customs as much as one of high caste, and has not the least envy of the other, nor desire to change places. He can turn his labour to just as much account, and indeed has great advantages in the freedom from certain restrictions; for instance, in the free use of the labour of his women, the want of which is said to keep the Mahommedans, Rajpoots, and other classes whose women are concealed from public view, always poor. On the other hand, the restrictions against eating or marrying together are stricter than in Menu's time, and are quite absolute. These rules, in fact, constitute caste. No man may lawfully eat with any individual of any other caste, or partake of food cooked by him, but he may have all other intercourse with him, may be his friend, his master, his servant, his partner. Marriage is strictly confined to the same caste, but the accumulation of too much of the same blood is obviated by another peculiar Hindoo rule, viz. that, though a man must marry in his own caste, he may not marry his relation the most distant; and hence, as most great castes have subdivisions, the general rule is, that he must marry in the caste, but *not* in his own subdivision. Exclusive Hindoo families cannot therefore have a system of marriages among themselves, like Europeans and Mahommedans. This it is which makes daughters of high rank so difficult to provide for. Although a man of good Rajpoot family may for his advantage marry a woman of inferior family, it is highly disgraceful to a woman to marry a man of inferior blood. The Rajpoots have in these matters much of the chivalry of the barbarians.

Slavery of able-bodied men for general purposes is, and I believe always has been, unknown in most parts of India

for this simple reason, that free labour is so cheap that slavery is not profitable. Willing labour will always be more effective than unwilling labour, and, therefore, where there is an abundant supply of labour, and wages are so near the limit of subsistence as not to leave a margin of profit for forced labour, a slave has no market value. If a slave has no value there are no slaves; and therefore real practical out-of-door slavery only exists where labour is valuable and wages are high. In India, generally speaking, every man's person and labour is his own, to make the most of it. We see, indeed, what may seem forced labour in the performance by certain classes of certain duties without remuneration in money, but this is much more of the nature of a contract, for they receive a fixed proportion of the grain of the whole village in lieu of their services, and any man in practice leaves the village when he likes, follows any occupation he likes, and acquires land if he can. The democratic freemen often claim the inferior inhabitants of the village as "adscripti glebæ," and they are, while they remain there, something in the position of serfs. One community ought not to entice away the serfs of another. But practically they have little hold over their persons, and there is nothing of the nature of *private* slavery. Domestic slavery, again, as existing in most Oriental countries, is another matter, and applies chiefly to women or foreign eunuchs, and such like. Women are, under the Mahommedans, always subject to the authority of their lords, and the slave-girls are slaves for the convenience of great men. It appears, however, that in some peculiar districts of the south there was actual slavery, some of the aborigines, in a dearth of labour, having been made slaves in Malabar and Canara.

Slavery.

Practically I should say that the religion of the Hindoos is the simplest Monotheism. This may more particularly

apply to Northern India, where the Mahommedans have destroyed the temples, and more impregnated the country with their ideas; but in all dealings with all classes of natives, in conversation, and appeals to a higher power, I have never found any active or practical belief in particular gods or idols; and under different names, Hindoos, Mahommedans, and Christians all look to and appeal to one and the same God, invisible and all-powerful. But as the Hindoos claim no recent revelation, normal religion is less active as a guide of their lives than with Christians or Mahommedans, and most of their faith is natural religion. They have an undoubted apprehension of a future state of rewards and punishments, but in no distinct form, and their reliance is on good works. They have the feeling of charity to mankind, which perhaps results from that "moral sense" which is a part of our nature, and the chief of their good works are practical benevolences to mankind. A Hindoo who wishes to lay up for himself a store of good deeds founds institutions for feeding the poor, or builds wells and serais, or plants trees to protect travellers from the sun. But he also (and it is the only practical part of their arbitrary religion) goes the round of all the sacred places, and fees the priests there. To this the Hindoos attribute immense efficacy, and nothing is so common as their pilgrimages to Hardwar, Juggernath, and such places. Religion.

For those who are not satisfied with these observances—who lose all taste for the things of the world—there are the religious orders, of which they may at any time become members, in which all distinction of caste is abolished, and the devotee, forsaking all other ties, becomes only bound by the rules of his order. The various orders represent different schools of religion and philosophy. All have their origin within a few centuries, and some comparatively recently. The Hindoos were in fact much in the same

position as the Greeks and Romans. They had a profuse mythology, in which they had little practical belief, and a certain natural religion; but their minds sought for something more determinate, and they found it in their different schools of philosophy. They have indeed shown a great readiness for, and inclination towards, religious innovation, and it may be that they are, like the Romans, ripe to receive a rational religion and code of morality. The best and most successful of innovators in Northern India was Nanak, the founder of the Sikhs. He had very wide views, and his doctrines make the nearest approach to those of Christianity that we meet with in any part of the heathen world. He would have united all nations and all religions in a belief in one perfect God and in charity to all men. He was, however, in advance of his age. His son became much more of a zealot, and was merely a Hindoo reformer. He founded the sect of the "Oodasees," an ascetic order, which was at this stage separated from Sikhism, and had a wider success among Hindoos. It is indeed one of the most widely spread and influential of the orders, has very many followers throughout a great part of India, and is often called the sect of "Nanak." But the proper Sikhs, who separated from this sect after the death of Nanak, have always been merely local, and, from political circumstances, have very much degenerated from the faith of their founder, and become much more a political than a religious association. They ought to have no distinction of castes, and, being principally Jats, do in practice much relax the Hindoo rules, but they do not altogether abandon them, and, becoming Sikhs, retain the names and some of the distinctions of their original castes. The less strict Hindoos still intermarry with their Sikh brethren.

In the south, the Portuguese had at one time great success by grafting the Christian religion on Hindoo fables,

institutions, and prejudices, as the early Roman Catholics had grafted it on the old Roman system of mythology. It may be that, to the majority of the southern Hindoos, as to southern Europeans, such a system is better suited than the more uncompromising doctrines of Nanak or of Calvin.

Compared to the Hindoo, or even to the Roman Catholic tenets, the Mahommedan religion has much to boast of in the way of purity and intellectuality, and indeed may owe much of its success to its denunciation of the idolatrous corruptions of Christianity. In the unity of the object of their adoration, their iconoclastic zeal, and not inequitable laws, the Mahommedans doubtless consider that they have a great advantage over most of the Christians with whom they have come in contact, and, not without reason, regard the religion of the latter as very much corrupted. Here is Ferishta's idea of the religion of the English: "The persuasion of this nation is different from that of other Europeans, particularly the Portuguese, with whom they are in a state of constant warfare. They assert that Jesus was a mortal, and the Prophet of God; that there is only one God, and that he is without equal, and has no wife nor son, according to the belief of the Portuguese."

But the Mahommedan religion has also in the course of ages become much corrupted, in India more so than anywhere else, and there is a considerable disposition to reform. Several reforming sects have sprung up, but have been put down by the hand of power. One of the latest was that of Syud Ahmed, a plunderer out of employment, who, turning religious reformer, denounced the corruptions of Mahommedan fathers, and the intermixture of Hindoo practices, and preached a return to the original faith and original independence. He gave much trouble to Ranjeet Sing, and created some disturbances in

our territory near Calcutta, but was eventually put down. I merely mention this affair (though bringing it in here is somewhat of an anachronism) to illustrate the state of Mahommedanism as we have found it.

Temples, mosques, religious institutions, and religious persons, both Hindoo and Mahommedan, had from time to time acquired considerable endowments in the shape of assignments of land revenue. These were often granted and often resumed, but we found them in considerable numbers.

CHAPTER III.

THE INSTITUTIONS AND SITUATION TO WHICH WE SUCCEEDED.

Mahommedan as compared with Hindoo polity — General government — Provincial governors and subordinate officers — Maratta and Sikh systems — Village communities — Tenure of land — Revenue system — Laws — Crime — Punishments — Judicial system.

HAVING noticed the chief personal and social characteristics of the natives of India as we found them, I shall now touch on the government and political institutions to which we succeeded. We are the immediate successors of the Moguls in the government of the greater part of India. Even when the empire was broken up, the provinces were ruled by Mogul governors on the Mogul system; and the different Hindoo conquerors of portions of the country had hardly been settled long enough to establish systems of their own, or efface those of the Moguls. It is, therefore, chiefly the Mogul system with which we have had to deal, and which I must describe.

Characteristics of Mahommedan compared to Hindoo polity.

The Mahommedan polity is distinguished from the Hindoo as altogether wanting the republican element, and to a great extent the disposition to hereditary succession, of the Hindoos; and their tendency has always been to the formation of great empires, having nothing feudal in their composition, but everything centralized—the only aristocracy being official, and the officials the creatures of the sovereign. They had not, like the Hindoos, local ties and local strength. Under their system the only hereditary offices

were those held by Hindoos or people of Hindoo race. The throne itself was to a certain extent hereditary, subject to the irregularities of revolutions and changes of dynasties common to all Oriental despotisms. The ministers were the servants of the sovereign, raised by court favour, and often falling as suddenly as they rose. Under the greater emperors, who exercised personal authority, there were different ministers for different departments, Hindoos as well as Mahommedans; but in later days, when the emperors were the creatures of successive revolutions, power was generally exercised by one Prime Minister, who rose for the time to the top of the political wheel.

The govern-ment.

There was a certain imperial regular army, principally cavalry, and large numbers of local troops or retainers were entertained for local purposes by the governors of provinces.

The empire was divided into the great soubahs or provinces (sometimes natural, sometimes artificial divisions), which are known to the present day. Dehli and Agra were the head-quarters of the empire. There were governors of Bengal, of Bahar, of Oude, of the Punjab, of Malwa, &c. &c., and, in later times, the greatest government of all was that of the Deccan, which comprised the whole of the more recent conquests in the south,—in fact, all India south of the Nerbudda. It was probably as being a more distant and less settled country that it was found expedient during the short period that it was held by the Moguls to unite the management of the whole under one great Viceroy or Governor-General. Under him there were deputy-governors of the Carnatic and other provinces subject to his authority; but the nomination of these deputies the emperor originally retained in his own hands.

Divisions of the empire.

The governors were of the same class as the ministers,

seldom selected for any local qualification or connection, but despatched from Dehli and recalled at pleasure. Probably the emperors were jealous of the formation of any local influence, and for this reason frequently changed the governors, and exercised a very immediate control over them. At any rate, anything approaching to hereditary succession to governorships was absolutely unknown; and all the viceroys whose families have now become hereditary princes were but very recently appointed, and by mere accident found the control from above withdrawn when the empire went to pieces.

The governors of provinces.

The centralization of the Moguls was effected by maintaining a sufficient control over the governors, not by diminishing their powers. So long as he held office a governor was the delegate and representative of the emperor, and united *all* powers. Where there were deputy-governors of subdivisions they in like manner represented the governor, and were only responsible to him. The governors themselves managed revenue and ordinary police matters, but had under them commanders of the forces charged with military discipline and with the keeping of the public peace, and also judges for the trial of cases civil and criminal. Lines of military posts were established for the prevention of crime along the great roads, and military detachments were employed for the suppression of violent crimes or disturbances. The ordinary police and revenue duties, and in fact the general charge of the country, while all remained quiet, were intrusted to one establishment. The governor appointed his agents or kardars to different districts, the smallest subdivision being that called a Pergunnah, containing perhaps one hundred villages. The kardars collected the revenue, apprehended criminals, and exercised a general authority within their

Subordinate establishments.

Agency for ordinary police and revenue duties.

charges. In large towns there was a separate police under a kotwal. The trades had a sort of limited municipal constitution, but the towns had no common funds or real self-government, so that large non-agricultural municipalities cannot be said to have existed.

There was another class of instruments of which the Moguls availed themselves, and which they in fact themselves created or revived in pursuance of that system of conciliation towards the Hindoos which they adopted. I have said that when they conquered India they exercised an indirect authority in the hills and poorer districts through tributary Hindoo chiefs. To them was applied the Persian term Zemeendar, or landholder, probably to show that they were not sovereign princes, but native subjects exercising a certain authority. At first, indeed, the term Zemeendar seems to have been used much as we use "natives," and applied generally to all with whom the foreign conquerors had to fight or to treat; and when the conquest was effected the tributary chiefs are invariably called "Zemeendars" by Mahommedan writers. These chiefs had been altogether swept away and disappeared from the plain and completely conquered country, and with them had disappeared all the Hindoo hereditary district officers. The latter the Moguls were inclined to revive, and they did revive or establish a class of hereditary officers, to whom also they applied the term "Zemeendars." None of these modern Zemeendars can boast any ancient Hindoo origin. Distinguished individuals of native origin and local influence were appointed by imperial commission Zemeendars of considerable tracts (perhaps of a Pergunnah). They were generally of important Hindoo tribes—Rajpoots, Bramins, Kaits, &c.; and we often find grants of such offices to Rajpoots of consideration who had turned Mahommedans. The heir of a deceased Zemeendar, if well fitted, was generally confirmed

The Zemeendars.

as his successor, but they were always liable to be deprived for misconduct or disfavour. Through them and their local influence it was desired principally to manage matters with the natives. Their authority was in the first instance subject to or co-ordinate with that of the Kardars: the latter receiving the revenue, apprehending criminals, &c., *through* the Zemeendars, who maintained a considerable establishment as a sort of militia, were responsible for the police, and collected the dues of government. If an individual Zemeendar particularly gained the confidence of the government, he might be permitted himself to perform the duties of Kardar, and to manage his division without any immediate supervisor. The Zemeendars were remunerated by a percentage of the revenue.

Canoongoes.

On the same principle as the office of Zemeendar was established another hereditary office, that of Canoongoe. Canoon seems to be a canon, rule, or regulation, and the Canoongoe is the registrar and accountant for the district. He is supposed to have a minute local acquaintance with all property and tenures, to register them in his office, and to keep an account of the demands and receipts of Government for each village.

and village officers.

The same class of duties performed by the Zemeendars and Canoongoes for large tracts were under them performed for the interior of each village by the Head-men and Accountants. They were responsible for the police, the collection of the revenue, the record of rights, and account of demands and payments for each individual. The village offices had always remained universal throughout India. Canoongoes seem to have been everywhere established by the Moguls, and Zemeendars over a great portion of the country.

The farther from the seat of government, and the less perfect the organization of the village corporations, the more commonly was the Zemeendaree system introduced.

It was general in Bengal and the lower parts of the country—less universal in the upper provinces. In the south there had hardly been time for the complete disappearance of the old, and establishment of new Zemeendars. There were both remains of ancient chieftainships, and new chiefs who had established themselves by force of arms, sometimes called Polygars—modern Zemeendars; and large tracts where neither existed. In the centre and west of the peninsula Zemeendars seem to have been once pretty general, but to have been lost in the long wars and successive inroads. On the other hand, where the communities were well capable of managing their own affairs, the office of Zemeendar was not so common. Where dominant families were the superiors over the other inhabitants of villages, their heads generally exercised the functions of the Zemeendars. In fact it was only where existing institutions left to Government too great detail that intermediate Zemeendars were resorted to.

Such then were the different instruments through whom the Moguls governed. In the prime of the empire the object was to centralise all accounts, &c., and so guard against abuses. The system of paying establishments and pensions by assignment of particular revenues was discouraged to the utmost, and the object was that, everything being credited, all grants and payments should be in money. But this was never fully carried out, and in the decline of the empire the reverse of the system prevailed. Village officers held lands exempt from revenue. District and provincial officers received assignments of particular revenues. Religious institutions were so endowed, and troops were paid by similar assignments. Salaries of ministers and government officials, pensions to court favourites, &c. &c., such as would make the civil list in our phraseology, were all paid by the grants of particular revenues, which the recipients

Payments by assignments of revenue.

were themselves to realise without the intervention of government. During the decline of the empire the whole official system was also subject to many irregularities. Besides the open conquests of Hindoo confederacies and rebellion of Mahommedan governors, enlarged functions and powers were usurped under the name of legitimate offices. In that confusion many Zemeendars doubtless disappeared, but others exorbitantly increased their power, enlarged their districts and their jurisdictions, and succeeded in assuming somewhat of the character of tributary chiefs; such were the Zemeendars of Benares, Burdwan, and the like. Some were mere predatory leaders, who succeeded in establishing themselves and levying black mail or tribute from the villages, and called themselves Zemeendars. Such were some of the Jat chiefs, and such were Rajpoots and Bheels, who established themselves in Guzerat. Generally speaking, either the Zemeendars ousted the Kardars, or the Kardars the Zemeendars—the Zemeendars assuming the whole management, and merely paying the revenue to the power for the moment supreme in the province, or the Kardar exercising an authority freed from all former restraints and division of duties; and in both cases the executive officers taking on themselves all judicial functions.

Change of system in decline of empire.

The old feudatory system prevailing among the Rajpoots I formerly noticed. The only modern Hindoos who ruled long enough and widely enough to establish anything of a system were the Marattas. In some things they followed the practice of the Moguls; in others they Hindooised the government. They had great hereditary officers of state, and their secondary leaders became hereditary rulers of feudatory principalities, forming a federal union instead of one empire. With them we find little distinction between adminis-

Maratta system.

trative and judicial functions. Their agents exercised unlimited general authority. Under them and other Hindoo powers the village system was much cherished, and they had in some places established Bramins and such people, in the place of the ancient Hindoo district officers, corresponding to the Mahommedan Zemeendars. The Maratta villages seem to have been less generally democratic, and their whole system to have more partaken of the aristocratic character of ancient Hindoo institutions, than among the purer northern tribes. Malik Amber, an Abyssinian, under the old Mahommedan kings of the south, and Sevajee, on the establishment of his power, did much to systematise the revenue administration on similar principles to those of Akber in the north, but later contests created confusion again.

Sikh system.

The Sikhs, before Runjeet Sing's time, minutely dividing their conquests, had no regular system; but Runjeet and some of the greater chiefs have in the last half-century managed matters tolerably well. They have altogether abolished the Zemeendars of the Moguls (who had once been pretty generally established), and left nothing intermediate between government and the village communities. Their Kardars had charge of the different districts, and had a general authority, only checked by the privilege of appeal to head-quarters, very generally exercised by the communities when dissatisfied. The communities were more perfect and vigorous than in any other part of the country, and were well treated by the government.

Village communities and landed tenures.

In order to explain the revenue system which we found in India, I must more particularly notice the constitution of the village communities, and the nature of the different landed tenures.

I have formerly explained that the Hindoo agriculturists from the first settled together in villages, and that the

land, so far as use and possession went, was the property of him who first tilled it, subject to the payment of the proper rent to the government. This property in the land, however, only extending to possession of the soil actually cultivated, gave no right to the remaining waste lands, nor authority over any other cultivators who might be settled in them; and, the rent being excluded from the property, the mere right of cultivating (though it might be prized by those who had it, who had been bred on and were attached to the soil) could have little market money value. This then is the lowest description of property in the soil, and amounts to little more than a sort of very strong tenant-right. It appears to have been the tenure of very ancient Hindoo times.

First and lowest property in the land.

The democratic tribes have been mentioned as possessed of much stronger rights. With them the whole land of the country was divided among the different communities. They claimed the proprietorship not only of the cultivated, but also of the uncultivated land, within their limits, and they had authority over, and certain superior rights in the land of any inferior holders cultivating on the original tenant-right just described. In the first instance they probably themselves retained the whole or part of the rent, but the greater part of this they have eventually been obliged to pay to *some* government. They generally, however, retain some marginal portion of it as their profit and for local expenses, and especially where there were inferior holders a portion of the rent levied from them went to the superiors. This then was a much stronger and more decided proprietorship. The share of the actual rent enjoyed by the proprietors varied, according to circumstances, from something infinitesimally small to a considerable proportion; but at any rate all the acts of pro-

Second and stronger form of property.

prietorship are in every case much more evident than in the original tenure first described; and all the strongest proprietary rights found by us are not so much those of occupation as of conquest.

There is then a considerable difference between the constitution and rights of the simple and the democratic communities. I must explain their working.

Village communities.

I have before alluded to the village communities, which were formed in early Hindoo times, and which are described by Menu. They were composed of the tenant-right men, and I call them "simple communities." They were aristocratic in constitution, and under single head-men appointed by the King. Here is a modern description, principally applying to aristocratic communities and to the south of India, and corresponding very closely with the original type. I quote from the Fifth Report:—

The original aristocratic form.

"A village, geographically considered, is a tract of country comprising some hundreds or thousands of acres of arable and waste land. Politically viewed, it resembles a corporation or township. Its proper establishment of officers and servants consists of the following descriptions. The Potail, or head inhabitant, who has the general superintendence of the affairs of the village, settles the disputes of the inhabitants, attends to the police, and performs the duty of collecting the revenue within the village;—the Curnom, who keeps the accounts of cultivation, and registers everything connected with it;—the Tallier and Totie—the duty of the former appearing to consist in a wider and more enlarged sphere of action, in gaining information of crimes and offences, and in escorting and protecting persons travelling from one village to another; the province of the latter appearing to be more immediately confined to the village—consisting, among other duties, in guarding the crops and

assisting in measuring them;—the Boundary man who preserves the limits of the village, and gives evidence respecting them in cases of dispute;—the Superintendent of Water-courses and Tanks, who distributes the water for the purposes of agriculture;—the Bramin, who performs the village worship;—the Schoolmaster, who is seen teaching the children in the villages to read and write in the sand;—the Calendar Bramin, or astrologer, who proclaims the lucky or unpropitious periods for sowing and threshing;—the Smith and Carpenter, who manufacture the implements of agriculture, and build the houses of the ryots;—the Potman, or Potter; the Washerman; the Barber; the Cowkeeper, who looks after the cattle; the Doctor; the Dancing-girl, who attends at rejoicings; the Musician; and the Poet."

And Elphinstone says, "Each township conducts its own internal affairs. It levies on its members the revenue due to the state, and is collectively responsible for the payment of the full amount. It manages its police, and is answerable for any property plundered within its limits. It administers justice to its own members, as far as punishing small offences and deciding disputes in the first instance. It taxes itself to provide funds for its internal expenses, such as the repairs of the walls and temple, and the cost of public sacrifices and charities, as well as of some ceremonies and amusements on festivals."

The democratic form of the northern tribes.

Where the democratic element prevailed, viz. in the north, and in many parts of the south, the constitution of the communities so far differed from those in other parts, that the proprietary members were all equal, and considered themselves masters of the village, of all the lands attached to it, and of the other inhabitants—the watchmen, priests, artificers, &c., being their servants rather than village officers; while common affairs were managed, *not* by one head-man

holding of the government, but by the Committee or Punch already alluded to, elected by the proprietary community, and consisting on an average of perhaps half a dozen members.

The Potail, in the south, seems to be not so much a representative among equals as a superior by whom is kept together a miscellaneous body. But the members of the Democratic Punch have no official power or authority except as representatives of the body. They generally, from personal character and position, exercise personal influence, and disputes may be voluntarily referred to them; but the punishment of other proprietors, or judicial decisions of cases not voluntarily referred to them, they do not attempt. The simple municipality has been often described, and I shall therefore more particularly notice this democratic form. The old reports clearly show that it generally obtained among the Vellallers, and other tribes of the south, previous to our rule; and in the north it is still universal among the Jats, Rajpoots, and kindred tribes. In fact, in the part of India where I have lately been employed, about the Upper Sutlej, and east and west, to the Jumna on one side and far into the Punjab on the other, no other form of village community or landed tenure is known. Most authors have supposed that in this part of the country all traces of communities must have been swept away, whereas here alone do they still exist in perfection.

Each village then is one community, composed of a number of families, claiming to be of the same brotherhood or clan; and generally most of the villages in the same part of the country are of one tribe or subdivision of a tribe. Yet others are intermixed, and it often happens that a village may be made up of two or three separate divisions of different tribes, castes, or even religions yet uniting for certain purposes. These then form a commu-

nity, who assume and possess the strongest proprietary rights in the soil, and are not to be, nor almost ever are, dispossessed by any native government. They are, in a perfect village, almost the only professional cultivators. If a shopkeeper or labourer has obtained land to cultivate, he is generally considered as holding only on sufferance. Yet sometimes, by long possession and the dying out of the original owners, a few such may have acquired a full right, and be recognised as adopted members of the community.

The government officers do not interfere directly in village matters, so long as the proprietors agree among themselves, but invariably treat with the communities as a body corporate, and as such transact all business with them through their representatives. They have a machinery by which they distribute all burdens, and are enabled to make engagements in common. Yet they do by no means "enjoy to a great degree the community of goods," as Mill supposes. I never knew an instance in which the cultivation was carried on in common, or in which any of the private concerns of the villagers were in any way in common; and I very much doubt the existence of any such state of things. The whole land is the common property of all, and they have certain common responsibilities in return for common rights. But things are managed in this wise: every village is divided into a certain number of fixed portions called ploughs, but a plough is rather like an algebraical symbol to express a fixed share than a literal plough. The arable land then is divided into, say for instance, sixty-four ploughs, and every man's holding is expressed in ploughs; he may have one plough, or two ploughs, or a plough and a half, or three-quarters of a plough; all imposts, whether of government demand or of common expenses, are assessed at so much a plough, and each man pays accordingly.

In the first instance lands might be annually changed, after the fashion of the Germans, by way of guarding against inequalities, but since the communities have settled down the holdings are fixed, and he who invests in wells, &c., cannot be dispossessed.

So much of the common right remains that the members may claim periodical remeasurements and re-adjustment of holdings and payments, to rectify the inequalities and alteration of boundaries which may gradually arise. The grazing-ground of each village is common to all; but the division between the grazing-grounds of different villages is very jealously maintained, and any uncertain or undecided boundary leads to very bloody affrays. When these cases were decided compensation was given to the heirs of those killed in the right from the lands of those in the wrong.

If fresh land is brought under cultivation, it may either be shared by all, the number of ploughs remaining the same, or, if all do not desire fresh land, certain members may by common consent be allowed to create fresh shares: say land equal to two ploughs is broken up, there are henceforth sixty-six ploughs, and the imposts per plough are lightened to all. But when the grazing-ground is no larger than sufficient to afford pasture to the village cattle, no one is permitted to break it up.

In large villages there are generally two or three great divisions called Pattees; for example, in the instance quoted there may be one Pattee of thirty-two ploughs, and two of sixteen each, and each Pattee has, if possible, some share in the representative Punch. The Punch is as a rule of a plural number. In small villages there may be only two, in large ones a dozen or more. Claim to the office is considered to consist in a large stake in the village and personal fitness. A clever, well-spoken man who has a good share of land, and is the head of a number

of relatives and friends, becomes one of the Punch, which office he holds for life if he continues to give satisfaction to his constituents; but if he becomes very old or incompetent or unpopular, some one else probably revolutionises himself into his place. The office is so far hereditary that it is a great claim to it that the candidate's father held it before him, and if there be any fit and well-spoken relation he generally succeeds, seniority obtaining a preference in equal degrees of fitness. It is purely a matter for village election; but if one party does not carry all before it, if claims be nicely balanced, one man's father having been of the Punch, and (as is often the case) another's grandfather before that, and a third declaring that both were usurpers, and that he himself is backed by the great majority of the constituency — in such a case it often falls to the officers of government to regulate and confirm the election. The office of Punch is much coveted, and all arrangements are made by the Punch collectively. They act not as persons having authority over the community, but always as representatives, and on many subjects they consult their constituencies before deciding. Their power is somewhat ill defined, and there is generally in the village a leader of opposition, perhaps the defeated candidate for the last Punchship, who leads a strong party, accuses the Punch of malversation and (sometimes not without reason) of embezzlement, and insists on their being compelled to render an account of their stewardship; for there are abuses and grievances in all corporations in all parts of the world.

The inferior political position of certain of the inhabitants of these, as of all other pure republics, I have already noticed. The accountant, and banker, and mercantile inhabitants generally, are rather allies than subjects, for, though they have no direct voice in the management,

they are courted as moneyed men, who increase the prosperity of the community, and with whom all have transactions. From them advances, &c., are received; they take all the grain and credit it at the market price, and generally the revenue is paid through them. Money is power in all communities.

But all the other inhabitants—carpenters, blacksmiths, priests, &c. &c., and the large class of labourers who do everything laborious except actual agriculture, and are sometimes employed to assist in that—all these are classed as "kameens," or inferiors, and receive an annual allowance of grain for their services. I am afraid that a Bramin's profession is not so profitable in the north as in the south, for I find in a particular description of a village of Dehli (Revenue Selections, iii. 401, to which I would refer for a very excellent account of these communities) that, while the washerman receives twenty seers of grain per plough, the tailor fifteen, and the musician twenty, the Bramin has but three-quarters of a seer.

When the communities are so strong, independent, and well-organised, there can be no doubt with whom rests the proprietary rights; they will permit no encroachments, and there is generally no middle-man between them and the government. They pay their revenue direct to the government agent, or, if any one is interposed, he confines himself entirely to the power delegated to him, and does not interfere with the communities.

In their lands, as in all others, the original right of the government consists in a share of the produce. Even when it is levied in this form they have always an account of fines, presents, and common expenses, which are paid according to shares, and keep the machine in working order. But for the mutual convenience of the proprietors and government the payment of revenue may be commuted into a

fixed sum in money. They may agree for a certain sum per annum on the whole village, and each knows what he has to pay according to his share.

This, then, is a perfect democratic community; but there are others less perfect, and a variety of tenure has arisen. There is the first form of corporation already mentioned, composed of miscellaneous elements, with one Potail or Mokuddum as a ruling head. Here the parts are less firmly united, and the machinery less perfect, and there are no fixed shares or common property. Yet here, too, it seems clear that under native governments the revenue was frequently paid "in the lump," and to pay it in the lump there must have been means of distributing it. This might be effected by a survey and classification of the land, and the creation of shares as in democratic villages. If there were not such a survey, either the representative of government must collect direct from each cultivator, or the Potail must distribute the burden among the different cultivators in proportion to the land supposed to be held by each, and they must settle the matter equitably among themselves.

Village Zemeendars.

Again, it has happened in many parts that the original community has become worn-out and effete. They cannot cultivate the whole lands; other cultivators are admitted; the representatives of the original community insist upon their original rights as proprietors of the whole village, yet are frequently not in a position practically to exercise them; or, as I have stated to be in some parts of the country the case, the democratic conquerors never were sufficiently numerous to occupy the whole village, and are merely settled in comparatively small numbers dominant over the other inhabitants; and it has frequently happened that in the original simple corporations the head-man or representative of government has made his office altogether hereditary,

divided it among his descendants, and so his particular family exercise general authority and receive certain dues in the village. Or the government may have granted to a man of capital a tract of unoccupied land, on condition of breaking it up, settling tenants upon it, and paying a certain portion of the rent, while he retains another portion. In these several ways have arisen the tenure of what are called village Zemeendars, viz. certain families or individuals in a village claiming certain proprietary rights over the whole, while the great body of the cultivators occupy an inferior position.

District Zemeendars.

Lastly come the great Zemeendars of districts, whose position and functions under the Moguls as instruments of government have been already explained. They, among other duties, collected the rent or revenue for government, and received a percentage for their trouble; and being called Zemeendars, which may be translated into English landholder, the mistake of supposing them proprietors was natural enough to English ideas. It is, indeed, wonderful how much difficulty and difference arise from a name and from some men's inaptness to understand that different persons may have different rights, duties, or privileges in the same thing or under the same name. This word Zemeendar, originally used as I have before mentioned, is now variously applied to tributary chiefs, to hereditary district officers, to dominant families in villages, and, lastly, to all the members of all the democratic communities in the extreme north, each of whom, not inappropriately, calls himself Zemeendar, using the word in its literal sense, and meaning thereby merely an agriculturist; so much so, that the Jats, being there the agricultural tribe, have appropriated the name, and call themselves of the caste of "Zemeendars." The word, then, is applied to various descriptions of rights, some of which are by no means inconsistent with one another. It

is therefore absurd to argue as if the name everywhere implied the same absolute, entire, exclusive proprietary right, and the only question were, "Who is Zemeendar?" In fact, Zemeendars of different kinds may and do exist together. But as things act and react, it happens that, as government was more likely to delegate its powers to middle-men where the communities were weak and disorganised than where they were perfect and well organized, and as small governments, or persons exercising the powers of government in small districts, are more likely to push far their rights or their interference in minute affairs than great governments, so the middle-men placed over the detail of weak, ill-organized villages took advantage of them, and, while the strong remained strong, the weak became weaker still, and the apparent dissimilarities were exaggerated, although the different tenures originated in nearly the same system, and principally differ only in degree. Where the district Zemeendars were most powerful, there the communities were at the lowest ebb; where the communities were strong and in good working order there were seldom Zemeendars. I should also not forget to mention that, where the government revenues of land or villages were assigned to individuals, in what is called "Jagheer," the Jagheerdar might himself exercise the powers of government, or of the Zemeendar the delegate of government, and so have a share in the management.

Summary of tenures.

The different kinds of tenure then are as follows:—

1. Simple municipal communities under a single headman.
2. Democratic communities managed by a committee of their own number.
3. Village Zemeendars, derived from several different origins.

4. District Zemeendars, officers of the Mahommedan government.
5. Jagheerdars.
6. Tributary chiefs.

Several of which tenures may exist together in one and the same land.

A test of proprietary right.

What is looked on as one of the strongest tests of proprietary right is the investment of capital in the soil by building wells and such works. These investments are private property, on which the government has no claim, and a valuable interest in the produce is therefore at once created. It is on this account that those claiming the ownership of the soil are very jealous of permitting those either above or below them, either hereditary officers or mere tenants at will, to invest in this way in the land claimed by themselves.

Transfer of land.

The rights in the land were not freely alienable as chattels; mere offices were not properly saleable; the lowest tenures had little market value; and in the stronger communities, with more decided rights, the land was not an individual but a common property, and therefore one man could not, without the consent of the others, sell to a stranger, whom they probably would not choose to admit into their society. Sales, therefore, were principally confined to transfers among different members of the same community, and the indisposition to part with these rights was so strong that the transfer was almost always a mortgage, and was not foreclosed for a very long period.

Distribution of tenures in different provinces as we found them.

The tenures of different provinces, as we found them, were somewhat as follows:—In Bengal Proper the communities were at a very low ebb, and the institution of Zemeendar was pretty general; but the Zemeendars were men of known most recent origin. In Bahar there were also

many village Zemeendars with subordinate rights. In the north-west provinces there were many perfect democratic communities in some parts, but a great many were more or less imperfect after the different manners of imperfection which I have described, and there were many village Zemeendars. Then there were in some places, but by no means universally, some district Zemeendars of Mahommedan institution; and, finally, there were one or two Jat leaders and others, who had established themselves by conquest under the title of Zemeendars during the troubles. In Madras, as in the north-west, there were many perfect democratic communities, but more imperfect ones; and there were a great many of the simple municipalities under Potails. There were in some places Zemeendars, descendants of Mahommedan officials, and Polygars, who had established themselves by force of arms; but in the greater part of the Madras territory we found no district Zemeendars. In Bombay there were in limited tracts some of the Hindoo Deshmucks, corresponding to Zemeendars, and there were communities more or less perfect, and of both the different kinds. There were Zemeendars by conquest in Guzerat, and in some places people corresponding to village Zemeendars. Finally, in the extreme north, beyond the Jumna, the communities were perfect; district Zemeendars had either ceased to exist or were recognised as tributary chiefs, with whom we have not interfered, and who exercise the powers of government without disturbing the perfect existence of the communities.

The tenures, then, being detailed, I come to the revenue, of which the land-rent was by far the principal branch; indeed it was *the* proper revenue, all other sources being merely, as it were, supplemental. I have mentioned how the surplus produce, the rent, or the main portion of it, was from the beginning reserved to supply

The revenue.

the revenue of the state, and, it being so, the revenue system of India was in the main founded on the absence of taxation properly so called. In fact, that portion of the produce of the land which is the common gift of Providence, the rent (distinguished from the interest of invested capital), is always the proper and natural source of revenue, and, if not alienated or appropriated by prescription to individuals, it obviates the necessity of taxing labour or capital. This state of things is not inconsistent with private property in the occupation of the land, in capital sunk in it, and in the portion of the rent allowed to individuals to give them an interest in the soil. But the revenue being supplied from the unalienated rent, there was very little direct taxation, and the indirect imposts were light.

Land revenue: its original shape; division of crops.

The land revenue or rent is originally levied in the shape of a proportion of the produce fixed according to the capacity of different soils and the value of different products. Where circumstances render this inconvenient, or the cultivation of the crop is so expensive that to take a large share of the produce would be unfair to the cultivator, money rates are fixed. In regard to ordinary soils and ordinary crops, there is nothing very extravagant or inconsistent with good management in the levy of rents in the shape of a proportion of the produce; and in countries where the seasons are very uncertain, prices variable, and the cultivators on a small scale and without capital, it is often found most convenient for both landlord and tenant, not from the want of money as a medium of circulation (that is not felt in India), but because the rent is thus proportioned to the season, and the cultivator can pay it when he might otherwise break down. It even appears, from experience, that, where the boundaries of fields are very ill defined and the tenures very small and intermixed, and grain is threshed

out at once where it is cut, if the parties cannot enter into long and large leases, it is easier and less liable to abuse to divide the grain as it is threshed than to calculate annual money payments according to the quantity and quality of land actually cultivated. From whatever reason it is at any rate certain that in most countries this was the original form of rent. It was so and is in most Oriental countries, and is the Metayer system of Italy and some of the countries of the Continent. In Hindoo times, then, when the country was divided into small principalities, and each Raja could conveniently manage his own possessions, all parties seem to have been very well satisfied with this arrangement.

System of estimating crops.

One modification became common, which seemed to save trouble, while the principle was maintained, viz. that when the crops were ripe, impartial persons, skilled in such matters, estimated the probable produce, and then, the share due to the superior being calculated at the selling price of the day, the cultivator paid in money, without any actual division of the produce. It was, of course, a matter of arrangement between the parties which of these modes should be adopted, but it generally became customary to divide certain crops and estimate others. The more valuable products were, as I have said, paid for at money rates according to measurement, and in some parts of the country money rates were general especially in Bengal, probably because rice is there the great staple, and rice-fields are well divided from one another, and produce according to the attention given to supplying them with water, so that money rates could be more easily and fairly fixed on the fields than where many crops are cultivated on a broad plain of light soil. In most provinces of India, however, rent was universally paid by division or estimate of the crop.

Government, then, being the recipient of the rent, and

the rent a portion of the produce levied from the actual cultivator, there was no opportunity for the springing up of any intermediate private proprietor, receiving rent from the cultivators as his tenants. The relation of private landlord and tenant was therefore unknown, and the only interest beyond their own cultivation enjoyed by any individuals or classes was in the management of the village and the receipt of certain dues.

No inferior tenants in original system.

When the Mahommedans established a great empire this detailed system became very inconvenient. A great government could not, without corruption and abuse, deal so minutely with many millions of separate cultivators, and it became necessary to commute its rights in some way. The corporate constitution of the communities made it possible to deal with them in a body; but to do this and arrange leases with them required a great deal of system, and it was generally found easier to lease out to mercantile speculators the dues of Government in particular tracts. The farmer of the revenue paid an annual sum, and, receiving the Government share of the grain, made the most of it as a mere temporary speculation, without acquiring any local rights, claims, or ties of any kind, or in any way interfering with the former rights of the cultivators. This was the farming system always so common in native states.

Mahommedan modifications.

The farming system.

I have referred to a regular settlement of the revenue commenced by Shir Khan, perfected by Akber, and to a similar system carried out in the south by Malik Amber, and have mentioned that these are the foundations of our detailed settlements at the present day; I must therefore a little more particularly describe the system.

Detailed settlements.

The farming system naturally led to abuses and grasping

on the part of the farmers, to resistance on the part of the cultivators, and it was highly desirable to find some substitute. This was to be obtained by a settlement with the communities, and Akber, a wise and beneficent prince, was anxious to carry out such a settlement on the most liberal principles. The accounts we have of his system and proceedings cannot be surpassed in enlightenment and liberality by anything that has appeared in the present day. The only fault to be found with the system is in its laying down too precise rules for matters that must be somewhat left to discretion. It may be that he could not trust to the good faith of his instruments, or it may have been the same disposition to regulate minute matters by rule which we find in the Koran and other systems, aiming at too great regularity of conduct, and to which the Mahommedans a good deal incline.

A correct account of the boundaries of each village was drawn out, and the whole land, cultivated and uncultivated, was carefully measured. The land was then divided into certain fixed classes, corresponding to the most common descriptions of soil, and each field was assigned to one class or other. The average produce of each class, and the average price for ten years past, was then ascertained. One-third of the average gross produce was taken as the rent, which was then struck in money. In this way the revenue to be paid by each village was calculated, and a detailed statement was drawn out of the amount payable by each cultivator. The assessment thus obtained was less than former assessments, and is stated to be less than that of Shir Khan, but the difference was expected to be made up by increased punctuality of payment. For the joint responsibility of the community was the condition on which the reduced rates and other advantages were accorded them. Without this joint responsibility Government would have gained no-

Akber's settlement.

thing, since it would still have to deal with each cultivator, and the system would be impracticable; but the lease being joint, the community managed their own affairs. It was their interest to break up as much land as possible, for which they paid no additional tax, but which lightened the rate of assessment on all. The acceptance of the terms was perfectly optional with each community, and when they accepted them formal engagements were given and taken.

It was at the same time that for the better working of this detailed system the offices of Zemeendar or Choudree, and Canoongoe, called in the south Desmookh and Despandeh, were established; and in every case the heads of villages, whether the Mokaddams or Potails of simple municipalities, Punches of democratic communities, or village Zemeendars, and the accountants in all, were made the instruments for working the settlement in their villages, and received a liberal remuneration.

Uniform measures and weights were everywhere established, and the instructions are most careful and considerate to prevent abuses. All lands exempted from revenue were registered and inquired into, and those improperly held were resumed. Provision was made to prevent abuses in the assignment system. Remissions were to be granted on the occurrence of great calamities, but then only. Payment was enforced by personal restraint and seizure of goods, but not by sale of lands. The Government, however, might take land from those who did not properly cultivate it, and give it to others. On these principles a settlement for ten years was effected of most of the territories long in the possession of Akber, comprising the greater part of the present Bengal Presidency and some other districts.

The whole annual land revenue thus settled for ten years was 90,743,881 Sicca rupees, or about nine millions and a half sterling.

That for Bengal Proper (exclusive of Bahar, Orissa, &c.) Sicca rupees. 14,961,482
The Dehli province about ,, 15,000,000
Lahore . . . ,, 13,750,000
Mooltan . . ,, 3,750,000
Scinde . . ,, 1,500,000

This settlement seems to have worked well, and the system was continued during the prosperity of the Mogul empire and was very closely imitated in the south by Melik Amber. But it could only be properly carried out by a powerful, peaceful, careful, and liberal Government; and as soon as this ceased to be the character of the empire the old abuses were reverted to. The system of joint leases and joint responsibility is admirably suited to the joint democratic tenure, and to good cultivators who have sufficient means of internal management, and by such has always been very much liked; but with the simple municipalities and indifferent cultivators it can only succeed with great care and consideration on the part of Government, and a light rent. Considerable supervision must be exercised in the due apportionment of the [illegible]ion, and to prevent oppression and abuses. These requisites then being wanting in latter times, the old farming system again became general.

Effect of the decline of the empire on the revenue system.

The remains of the old system, the Canoongoes, and some of the old records, and many of the usages have come down to us—enough for our example—but it had generally ceased to be effective. New conquerors resumed to the old right of a share in the produce, and it was farmed to speculators. Sometimes the official Zemeendars took the farms, and paid as much as Government could get out of them; but as these offices were not property, of course they could not be sold on occasion of default. Ejectment and imprison-

State of things as we found them.

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ment were the only remedies for non-payment. When settlements were made with villages it was in those latter days rather a matter of bargain than a regular system of settlement. The Government stood upon its right to the portion of the produce: well-constituted villages made bids to commute those rights for fixed annual sums, and if the parties agreed a bargain was struck.

Generally speaking, small rulers took the share of the crop as of old. Great Governments made some arrangement either with farmers or communities. The farmers exacted as much as they could get. The bargains for money-payment with the communities were generally for indefinite periods, but no very exact faith was observed on either side. If there were prosperous seasons and good prices the Government laid on extra cesses and percentages on some pretext, however absurd; if there were bad years the communities obtained remissions.

Still, of all the systems, the division (actual or estimated) of the crop was the foundation and last resort, and either directly or through farmers was most commonly practised when we [illegible]ed the country. The proportions taken varied mu[illegible]e were very precisely fixed by usage in each district [illegible] subdivision. In fact, Government never could, as a [illegible]stem, levy more than the rent, and in those days left as little as it could help. Equitable rent-rates were arranged according to circumstances, and, appearing in the accounts of each crop, formed rule and precedent for the succeeding ones. It naturally resulted that the proprietory rights of weak communities were reduced to a very low [illegible]oint, while strong ones retained them and paid light rents.

The payments are, however, regulated by some very correct principles of political economy. Not only do some crops and some soils pay a larger proportion of the produce as rent than others, but land irrigated from wells,

a portion of the increased produce of which is the interest of capital, pays a smaller proportion.

The proportion of the gross produce levied as rent may be taken to be generally from one-quarter to one-half, and to average about one-third. In Madras, I see it sometimes stated to have been even more than half; but it has never been more in my experience. And the cultivators have besides a good deal of valuable straw, grazing for cattle, and such like, which would in fact diminish the share of Government in the total produce were not some extra items levied. The money-rates on valuable produce would seem disproportionately high, but these crops are almost all grown on the most valuable land near villages, which would let high under any circumstances. The share of wheat crops may yield eight or ten shillings per acre, of inferior crops two to eight shillings; while cotton, opium, and vegetables may pay at the rate of from ten to twenty shillings per acre, and sugar-cane double that rent.

The inferior classes receiving a fixed share of the grain for the performance of certain duties, it is generally arranged that a certain number of labourers are furnished, free of wages, to the native Government, one or two unpaid labourers regularly appearing as an item of revenue in each village. If not required, a money commutation is paid instead. Then all presents, bribes, &c., are reduced to a regular system. So much is charged in the account as the customary present to Government, so much to the immediate agent, so much in commutation of a skin, a blanket, a pair of shoes, green food for horses, and other articles which ought to be supplied for the use of the Commissariat, but if not wanted are taken in money, and perhaps so much is levied for some holy ascetic. All these items are distributed and levied rateably.

A system which became very common in Central India

and the countries held by the Marattas was this:—In simple aristocratic communities there was a kind of register of land and rates. The whole village was assessed accordingly, and was leased to the headman *individually*, he agreeing to take the regulated rates from the cultivators, while he had the profit or loss of increased or decreased cultivation; so that in fact the Potail in those villages occupied very much the position of a village Zemeendar under our system in the north-west provinces, as will presently be seen.

Alienations of the land revenue.

I have mentioned the system of assignments in payment of salaries, &c.—under which the assignee often had the management of the assigned villages or Jagheer. Akber's system checked this practice, and reviewed all alienated revenues; but in later times no abuse increased more than this. The Jagheers were continued when the services ceased to be rendered; they were improperly enlarged, and new ones were created with or without any authority. And besides the large Jagheers, which could hardly be concealed, there were a multitude of alienations of small sums or small portions of land in every village, of which there ceased to be any register whatever, and it only required a little connivance of the local officials to keep them out of sight altogether. But under no native Government were these alienations ever looked on as in any degree property, any more than are salaries, pensions, sinecures, and corrupt receipts with us. They were granted and resumed at pleasure, and of course only the rights of Government were granted; those of the cultivators of the land were in no way affected.

I hope that the above will make clear the state of the land-revenue system with which we had to deal on our accession to power.

At the same time that Akber settled the land revenue

he also much reduced and put on a regular footing the other imposts of Government. These were all included under two heads: the Jchat, or tax on manufactures, which he reduced from ten to five per cent.; and the Sayer, which included all the other dues of Government, the customs receipts, fees, duties from non-agricultural inhabitants of villages, produce of forests, fisheries, &c., and other miscellaneous receipts. Other sources of revenue.

Among the obnoxious taxes abolished by Akber are enumerated the capitation tax, tax on ferries, market duties, fees on weighing, duties on the sale of houses, and on salt made from the earth. Salt seems to have paid a very moderate customs duty. It is stated that the Lahore rock-salt was bought at the pit for about two dams, or a little more than one penny, per maund; that ten dams per man's load was paid to the Zemeendar, and one and a half rupees per eighteen maunds to the State. The whole is under one-tenth of the duty now charged by us. The customs seem to have been moderate. There was little excise and no opium revenue in those days. In after times most of the abolished taxes were revived, and some more besides. The tax on manufactures became rather a moderate tax on manufacturers, very fairly due for protection. The Sayer has generally brought in considerable receipts under various heads. The customs or transit duties became very oppressive where constantly levied by many different powers. The charge on salt remained pretty moderate. The obnoxious capitation tax was tried by Aurangzebe, but afterwards generally abandoned. The market duties and such imposts were revived. There was a sort of excise in the shape of a monopoly in some parts of the country on spirits, tobacco, betel-leaf, and other articles of consumption.

The mercantile classes have always been singularly free from direct taxation, but if they are cherished they are

generally expected to lend something in the end, or to accommodate the State in some way, and when they are detected in any real or alleged crime they pay largely. Fines of all kinds are a great source of revenue in native states.

From all these different sources a good deal was derived; but I do not think that the natives have ever realised so large a proportion of extra revenue, in addition to the land income, as is now obtained with the aid of the salt and opium taxes.

The laws.

The laws prevailing in India were of three kinds: First, the unwritten customs of the country, applying to mercantile transactions, and all dealings common to the whole community. Second, the class laws of different sects and tribes; so many different classes living together, yet socially distinct, had many different laws for regulating their own affairs, marriage, inheritance, &c. The Mahommedans had the written law attached to their religion. The first principles of law common to all Hindoos were also found in their books, but the great variety of laws and customs in which the different tribes, castes, and families differed from one another were all unwritten laws of custom. Thirdly, the orders of the emperors, which, though not formally enacted as laws, were circulated and made generally known, and had the force of laws. Many of these became established by practice and long use till they were engrafted on the customs of the country, and all were binding and obeyed till rescinded, or from time and circumstances disused.

Many of the rules and practices now in use were instituted by the Mahommedan emperors. Their rescripts modified, where they considered it expedient, the strictness both of the Mahommedan and Hindoo laws. The unbending preciseness of the one was mitigated to suit a country which was not, and which it was not attempted to make, exclusively Mahommedan. The rules or sanctions

of the other were abrogated where inconsistent with humanity, equity, sound policy, or the first principles of religion. For instance, suttee, child-murder, and other intolerable practices were prohibited, and a convert from Hindooism retained his property. Generally speaking, the laws prevailing in India were singularly free from impolitic restrictions and over interference in trade, currency, and such matters. Things, therefore, took very much their natural and proper course, and a great deal of personal freedom was enjoyed by all classes. All imposts were for revenue and with no other object.

The Mahommedan law is in most things reasonable enough. Their rules of inheritance, &c., I need not here detail. Their criminal law, with certain modifications, was applied to all. Among the Hindoos everything is hereditary; but only in Governments and hereditary offices is there any rule of primogeniture. Property, real and personal, is equally divided among sons; daughters may receive portions when they are married, but from that time they are entirely separated from their father's house, and have no rights or duties connected with it.

The state of property and general rules affecting ordinary transactions are much the same as in most civilised countries.

The amount of crime in India we found considerable. We have no statistics of crime under the emperors, but Mahommedan writers represent the country as enjoying very great peace and safety in this respect; and it is very credible that under a rigorous Government, using boldly all its powers for prevention and detection, it may have been so; but latterly, when the whole system was weakened, when there was little regular police, and military disorganization gave cover to civil anarchy, there was great opportunity for and increase of criminals. Crime.

In crime, as in other things, we have again the Hindoo principle of division of labour. A thief is generally a thief by profession, and skilful accordingly. Blundering occasional thefts are not common; consequently such crimes are more artistically committed and less easily detected than in most other countries. Great facility is also afforded by the openness of the country, the character of the dwellings, and the habits of the people. The land is not at all enclosed; and in an open plain country criminals can travel about at will, without the restraint and surveillance imposed on them by defined roads. Then the people journey a great deal on foot or on ponies, very generally carry money and valuables on their persons, and in the hot weather very often make their journeys at night, for coolness' sake. In their dwellings, too, they keep a great portion of their substance in the shape of ornaments of precious metal and such valuables, and those dwellings are generally so constructed that the walls can be easily pierced; but the greatest facility for crime is in the selfish and unsympathising disposition which has arisen among a people so often conquered, and so little identified in interest with the Government, or with one another: so that when a crime occurs there is little common effort for its detection, which is principally left to those immediately affected.

On the other hand, the concentrated and unlimited authority placed in the hands of the agents of native governments, and the unscrupulous way in which they use it, the inducements to confession held out by them, and the account to which confessions are turned, the absence of legal and formal facilities of escape for the prisoner—all these tell against the criminals.

There was little simply malicious or revengeful crime of a serious nature—much less indeed than might have been looked for from the cunning and unscrupulous character of many of the population, and the facilities for

avoiding detection. Secret assassinations and poisonings from enmity, and occurrences of similar character, were rare. Destruction of female children was common among some Hindoo tribes, who, priding themselves on the purity of their blood, could not, without great difficulty and expense, obtain what they considered suitable marriages for their daughters; and the burning of widows, though prohibited by the emperors, again became pretty common in the decline of the empire. Affrays became likewise very common and bloody in this latter period, owing to the confusion of rights and absence of judicial tribunals. But it was in crimes affecting property that professional criminals exercised their trade, and that some of them became professionally indifferent to human life. The Thugs formed organised societies, who robbed unknown travellers at a distance from their homes; and, on the principle that dead men tell no tales, invariably murdered the victim and concealed the body; and less aggravated highway robberies were on the great roads not unusual.

Dacoity or gang robbery was reduced to a system, which was often practised professionally by wandering bands of wandering tribes, whose avocations and residence were little known, or by associated criminals of the more daring of the ordinary classes. In that open country a gang of Dacoits appoint a rendezvous (generally at a distance from their homes, where they are unknown), and select a rich man's house for plunder. In the day-time they are scattered about in different directions and in different disguises. At night they collect at some appointed place, and in a gang make the attack, generally about or a little before midnight. For the time they bear down all opposition, light torches, and search for and plunder all light and easily concealed valuables. This done, they withdraw as they came, and immediately disperse. Before morning they are all long distances off in every direction, and no

gang is to be traced; nor in so open a country, and among such multitudes of unchallenged travellers, is any clue of a skilled Dacoit generally at the moment to be obtained. Such is a Dacoity. These crimes are most common only where the people are timid, and little able or willing to defend themselves.

Near hills or strong fastnesses, marauding incursions of hill-men were also not uncommon.

Burglary was also very common. A skilled burglar sets himself down at the back of a house with a little iron instrument, picks a hole in the wall, enters, and silently guts the house while the family are asleep.

Thefts from travellers and unwary persons were also very numerous and very skilfully performed; and cattle-stealing was in some districts much practised by individuals of the agricultural classes, who are generally above petty crime.

There was a watchman maintained by each village for police purposes. Village communities were also held responsible to make compensation for plunder of property within their limits, as mentioned by Elphinstone in an extract which I have given in another place.

Punishments.

The Mahommedan criminal law generally marks out for punishment the same acts as modern systems do, and assigns a somewhat similar *proportion* of punishment. The chief differences are these:—First, it goes a good deal farther, and punishes criminally offences which we consider only against morality, as adultery, seduction, gambling, &c.

Secondly, there are many punishments of a nature inconsistent with modern ideas, such as mutilations and retaliations.

Thirdly, the Mahommedan law of evidence is much more absurd than ours—attempting to fix by rules the credibility of testimony; how many witnesses shall be required to

particular crimes; what comparative credit attaches to a man and to a woman, to a believer and to an unbeliever; how often a confession must be repeated, and so on.

In later times, and especially among Hindoo rulers, the principal change was that the rulers and their agents were guided by no general law whatever, but by their own discretion; and that they were willing to commute almost all punishment into a fine.

Judicial system.

For the trial of causes and criminals the Mahommedans had a regular judicial establishment, as thus described by Elphinstone:—"Justice was administered by a court composed of an officer named Mir Adel (Lord Justice), and a Cazi. The latter conducted the trial, and stated the law; the other passed judgment, and seems to have been the superior authority, the distinction probably arising from the modifications introduced by the will of the prince and the customs of the country into the strict Mahommedan law, of which the Cazi was the organ."

All criminal cases were disposed of by this tribunal, and all civil cases which it was fitted to decide: but on questions of Hindoo law, learned Hindoos might be called in; and in ordinary civil disputes the great reliance was, and always has been, on the old Hindoo institution of Punchayet, which is simply a jury or court of arbitrators, *chosen by the parties* to try the case, not as an English jury does by evidence in court alone, but, as the English writ still runs, summoning the jury as men to whom "the matters may be better known." They decide, after hearing both parties, according to their knowledge of the case, and of the custom of the country or class.

Difficulties may be supposed in the working of such juries, but the best answer is that they always have worked. In fact, the system has, to keep it right, the strongest of all sanctions—the sanction of public opinion.

The institution is one bound up in the traditions, the habits, and the opinion of the country; and notorious partizans being excluded, it is found that respectable and impartial men are nominated, that they think themselves bound to do their duty, and generally come to a unanimous and equitable decision. Almost all personal cases involving doubt, either as to fact or law, have been thus decided in India from time immemorial.

In later disorganized times the executive and judicial functions were generally united. The Cazi, or law officer, remained, but his authority was diminished, and decisions became more and more arbitrary. The Punchayet, however, was more and more in vogue the less there remained of the regular judicial system, and alone did much to maintain the structure of society.

Where district Zemeendars assumed general authority, there were Zemeendaree courts, in which they presided and administered justice.

CHAPTER IV.

OUR POLITICAL PROGRESS AND PRESENT POSITION, SHOWING THE ORIGIN AND OBLIGATIONS OF THE NATIVE STATES.

The native powers with whom we have had to deal — Foreign Mahommedan powers — The French — Origin of various rulers — Acquisitions of the British — Lord Wellesley's policy and acquisitions — War with the Marattas — Change of policy — Pindaree war and consequent acquisitions — Supremacy of British power within the desert — Burmese war — Long peace — Affghan policy and disaster — Annexation of Scinde — First Sikh war — Second Sikh war — Annexation of the Punjab — Statistics and obligations of different native states — Summary of our political obligations, receipts, and disbursements — Present political management — General effect of our political system — Succession to lapses — Debts of native princes.

THE year 1720 is the date from which the origin of the Governments now existing in India may be most conveniently traced. After many internal contests and revolutions Mahommed Shah had been set up as nominal Emperor by a party headed by and known as that of the Syuds. But in 1720 another court revolution overthrew the Syuds and gave power to a party who continued Mahommed Shah on the throne, but divided among themselves the real power of the state. Of this party were the Mahommedan chiefs with whom and their descendants we have principally had to deal. During the remainder of the eighteenth century the falling empire of the Moguls seemed to rest between three widely different peoples. First, the Hindoos were, as a military power rising from their ashes, not so much the old regal tribes as new and vigorous shoots from inferior por-

Origin of native Mahommedan powers.

Hindoo powers.

tions of the ancient stock. Their progress was much facilitated by the freedom from pride and from excessive self-reliance which was natural to the low position from which they rose, and in their contest with Europeans they showed themselves apt to learn from us the use of our own weapons. They first and principally, among the natives, adopted the European tactics and discipline, and, when they had plundered their way into power, changed their mode, and established, in addition to their plundering Guerilla forces, the regular armies which the Marattas made so formidable in one age and the Sikhs in another. These tactics would have been eminently successful against any Asiatic power with whom they had to contend; but as against us it may be that, meeting us fairly in the field, they gave us the opportunity of fighting in our own way. To the Hindoos, however, is principally due the breaking of the power of the Mogul viceroys, which led to our intervention and gave us a favourable field of action.

The Marattas.

At the period at which I commence the present chapter the Marattas had, under one federal supremacy but various detached leaders, established themselves in most of the proper Maratta country, where they had hills and strongholds, forts and fortified villages; and, as plunderers, they had made themselves formidable far beyond those limits. Both they and the Rajpoots had already been courted and made use of by the leaders of rival parties at Dehli.

Foreign Mahommedan powers on the west.

The next power to whom India might have fallen was that of its Mahommedan neighbours to the west. Nadir Shah, King of Persia, during his short incursion, carried all before him at Dehli. After his death Affghanistan became a separate kingdom, and the Affghans, invading India, were able to turn back the Maratta power when in the zenith of its first undisciplined triumph.

It was our fortune that the Mahommedan and Hindoo powers broke their forces against one another; for when the Marattas had broken the Moguls, and the Affghans again had broken the Marattas, there was among the natives of India somewhat of a balance of power. The Affghans seemed then to have empire within their grasp; yet, for reasons difficult to be explained, like many previous invaders from Alexander downwards, they but conquered and retreated. Their power was for long formidable on the frontier, but they never came into actual collision with us in India.

The field was then clear for the last and finally successful candidates for the empire of India—the Europeans. In 1720 the English possessed Bombay, Madras, and Calcutta, and some small estates round the two latter settlements, and they had obtained from the Emperor certain privileges of trade. The Portuguese had ceased to be important as a political power, and the Dutch only made some small and detached efforts to contend with us on the continent of India. But in this same year (1720) the French also appeared in India, and a private French company established themselves for trade at stations near Madras and Calcutta. For trade they showed little aptitude, but in politics they found a field much more suited to their genius; and though much more recently established, and with greatly inferior resources, they first led the way in brilliant political success. Indeed their talent in this respect seems much to surpass ours; and had their efforts been backed by the same resources and by the same support from the mother country, it seems highly probable that they and not we might have been the present masters of India. It was to rival them that we first embarked in political affairs, and it was only by our commercial resources, and by the assistance of troops and money from home, that

The French.

we were able to contend with them. The French had little money or credit, and their Government at home had too much on their own hands, and too little understood the prize really in dispute, to render much assistance to the enterprising Frenchmen whose local efforts were so successful. Even under these disadvantages they had at one time the better of us, and we only recovered our position by European treaty and European concession. In the end, however, our resources prevailed; they were expelled and we were left alone to play the game for empire between the declining Mahommedans and rising Hindoos.

Origin of the Nizams of the Deccan.

"Khan Chilich Khan," says Elphinstone, "(whom, anticipating the title, I shall henceforth call Asof Jah, and whose descendants are known to Europeans as Nizams of the Deccan,) was of a respectable Turk family, and was the son of Ghazi udeen, a favourite officer of Aurangzib, under which emperor he also distinguished himself. He showed spirit in maintaining his dignity during the depression of the nobility by the mistress of Jehander Shah and her relations, and subsequently rose to importance by his services as Viceroy of the Deccan."

He had been first appointed Governor of the Deccan in 1713, was removed from that post in 1716. On a shortly subsequent change of ministry he was appointed Governor of Malwa, and during the disturbances which attended the accession of Mahommed Shah raised troops and became formidable. In 1720 he was the first to revolt against the power of the Syuds, invaded his former government of the Deccan, defeated the Governor, and *obtained possession. The party in power at Dehli tried to expel him without success, and his associates being finally successful he was invited to Dehli* and made prime minister, retaining his government by deputy, and shortly

adding Guzerat to it. In 1723, things not going to his satisfaction at Dehli, he resigned his office there and went off to his government. The Emperor instigated the Deputy Governor to refuse him admittance, but he overcame that functionary and re-established himself in the Deccan, but not in Malwa or Guzerat. From that time (1724), in his own government, he rendered little allegiance to the Emperor, but he by no means separated himself from the empire. Both he and his son took a large part in affairs at Dehli. He again visited that place and was offered at the close of his life, but declined, the premiership.

Such is the origin of the Nizam.

Origin of the Kings of Oude.

Again, when in 1720 the Emperor Mahommed Shah aspired to be independent of the Syuds, a party was formed in which, says Elphinstone, "the second place was occupied by Sadat Khan, originally a merchant of Khorasan, who had risen to a military command, and was the progenitor of the present Kings of Oude."

When the Syuds fell, Sadat Khan became a person of importance, and he was some years after appointed Governor of Oude. In this situation he distinguished himself, and he held it till his death in 1739. His son was appointed to succeed him, and in 1747 was raised to the higher post of prime minister, but retained his government.

The Rohillas.

In connection with Oude I may just mention that the Rohillas were Affghan troops, who in the falling state of the empire received Jagheers instead of pay (after the fashion before explained), in a province since called from them Rohilcund, and who found opportunities of becoming refractory. Rohilcund was eventually attached to Oude, and hence the Rohillas and the Governor came into contact.

In the south, the Marattas during this period largely

extended their power, and hotly contested with Asof Jah the dominion of the Deccan. They ravaged the country in large bands under different leaders, and established the system of levying black mail, rather than as yet aimed at great extension of fixed territory.

The different Maratta powers.

The race of Sevajee had become effete, but another dynasty now appeared to unite the nation, that of the Bramin minister, the Peshwah. Balajee was Peshwah, and of importance, in 1717. His son, Bajee Rao, succeeding him in that office in 1720, completely established his ascendancy, and prodigiously advanced the power of the nation. He crossed the Nerbudda, levied black mail from Guzerat, Malwa, and the Rajpoots, and in 1737 reached the Jumna. In this period the principal Maratta feudatories took their origin.

The Peshwah.

Another of the hereditary ministers of the Maratta state obtained possession of Guzerat, and on his death an adherent named Guickwar, of the herdsman caste, was made guardian of his infant son; but established his own power, and was ancestor of the present Guickwar. (Elphinstone, ii. 603.)

Origin of the Guickwar;

Malwa was also about this time divided between two predatory leaders, Holkar and Scindia (Elph., ii. 603–4), who were originally, the one a shepherd, the other a menial servant.

of Holkar and Scindia;

The Berar or Nagpore state had a similar origin at the same time in Parsojee Bosla, originally a private horseman (Elph., ii. 638), and he acquired a sort of prescriptive right to the plunder of Bengal.

of Nagpore Raja.

The Sikhs had become very formidable about 1712. A few years later the Moguls succeeded in suppressing them; but they again rose, and widely extended their power.

The Sikhs, Jats, and Rajpoots.

We find the Jats of Bhurtpore of consequence near Agra about 1722, and for the next hundred years they were important and took part in various contests.

The Rajpoots were engaged on different sides in the contests of the period, but suffered much from the incursions and domination of the Marattas.

In 1738 Nadir Shah, King of Persia, seized Cabul, which never afterwards, till 1838, was again part of the Indian empire. In the end of the same year he crossed the Indus, invaded India, entered and plundered Dehli. But he set up the Mogul emperor once more, and, in token of friendship, after the Oriental fashion of brethren, exchanged turbans: the turban of the Mogul contained the famous "Koh-i-Noor." Nadir Shah.

Nadir then retired from India, but he had given the death-blow to the power of the Mogul empire; and from this time the different governors were nearly independent.

The Marattas further increased their power and ravages. Asof Jah, Governor of the Deccan, was at Dehli at the time of the Persian invasion, and his son took the opportunity of rebelling, but he returned and again obtained possession. He found that the Deputy Governor of the Carnatic was dead, and, excluding the family of the deceased deputy, he appointed a new man, one Anwarodeen. This Anwarodeen is the ancestor of the pensioned Nawabs of the Carnatic. Origin of the pensioned Nawabs of the Carnatic.

Again: Tanjore has been mentioned as a tributary Hindoo chiefship, which had been seized by the father of Sevajee as a military commander in the service of one of the old southern kingdoms, rather than as a Maratta, and was held by the descendant of one of his sons, the ancestor of the pensioned Rajas of Tanjore. and of the pensioned Rajas of Tanjore.

In 1748 died Asof Jah. The succession was disputed.

The French embraced the cause of one claimant, with whom associated the expelled representative of the former Deputy Governor of the Carnatic. For a time they had great success, and exercised the chief power in the Carnatic. The English were in consequence much depressed and very hard pushed: it was only after the conquest of Bengal, when they received assistance from thence, that, after a protracted contest, they succeeded in expelling the French in the year 1761. The English candidate, the representative of Anwarodeen, remained Deputy Governor of the Carnatic, almost independent of the Governor of the Deccan, and their influence with him was unbounded.

Establishment of English influence in the Carnatic.

Meantime Aliverdi Khan was Governor of Bengal. The English traded prosperously and peaceably. But the province was sorely vexed by the Marattas. Aliverdi died in 1756, and was succeeded by his grand-nephew Suraj u Dowlah, a violent tyrant, who expelled the English. They got reinforcements, re-established themselves, and made peace. But an opportunity soon occurred of obtaining a secure footing, for, as he was hated, they joined one of his officers, Meer Jaffier, Paymaster-General of the Army, in the well-known and successful attempt to supplant him. This Meer Jaffier was the ancestor of the pensioned Nawabs of Bengal.

Origin of the pensioned Nawabs of Bengal.

Meer Jaffier became Governor by English assistance, and granted to the English the district around Calcutta called the Twenty-four Pergunnahs, while he ruled Bengal under their advice. He did not succeed well, so his son-in-law, Meer Cossim, was made Governor in his room, and gave to the English the three districts of Burdwan, Midnapore, and Chittagong. This was the state of things in 1761.

Acquisition of the Twenty-four Pergunnahs.

Acquisition of Midnapore, Burdwan, and Chittagong.

But I must go back a little to Dehli. The affairs of the empire had become worse and worse. The Governor of Oude (who was also minister) went so far as to call in the Marattas against the Rohillas, and Ahmed Shah, the Affghan (who on the death of Nadir and disruption of his empire had become King of Affghanistan), invading India, annexed the Punjab and Scinde in 1752. The greater part of India beyond the desert remained subject to Affghanistan till it was reconquered by the Sikhs.

Affairs at Dehli.

The Punjab annexed to Affghanistan.

Ghazee u deen, a grandson of As'of Jah, now usurped power at Dehli, called in the Marattas, blinded and afterwards murdered the Emperor. The heir apparent went to Bengal with a patent as Governor, but being met by Clive, and unsupported, accepted a sum of money to pay his expenses back again, and retired.

The Marattas were now at the height of their power: the Jats and Sikhs were their allies. But Ahmed Shah, King of Affghanistan, at this juncture, appeared with all his force, and there was a general combination of the Mahomedan powers. The Marattas put forth all their strength, and, deserting their ancient tactics, fought a great pitched battle at Paneeput, north of Dehli, January 6, 1761. They were totally defeated with immense slaughter, and Ahmed Shah remained the arbiter of India. That he might have made himself supreme cannot be doubted. But it was otherwise arranged. Ahmed marched back to Cabul, retaining only the Punjab, and left India to be won by others.

Ahmed Shah.

Defeat of the Marattas, 1761.

Alum Shah became titular Emperor; but he had no real power. The Marattas soon gained confidence again. The Jats and Sikhs extended their power about the Jumna and the Sutlej. The Emperor took refuge with the Governor of Oude. Soon after this

Origin of the Rajas of Nepal.

the Goorkahs, a small Hindoo tribe settled in the hills, dispossessed the ancient Rajas of Nepal (1767), and founded the Goorkah power.

In 1763 the English quarrelled with Meer Cossim, Governor of Bengal, who fled and appealed to the Emperor, while the English set up Meer Jaffier again. The Emperor and Nawab-Vizier, or Governor-Minister of Oude, took the field in favour of Meer Cossim, but were met by the English on the confines of Bahar, and totally defeated. The Emperor then treated with the view of being put in possession of the territories of his minister and ally of Oude; to which he of Oude objecting, again tried the fortune of war, and was again defeated. Finally the following agreement was made:—

Imperial grant of Bengal, Bahar, and Orissa, subject to tribute, and confirmation of all other possessions.

The Nawab-Vizier to pay the expense of the war, and to restore Allahabad to the Emperor, who, on his part, granted the Dewanee or management of Bengal, Bahar, and Orissa to the East India Company, on condition of an annual tribute of 26 lacs, or 260,000*l*. He also confirmed to them generally whatever they possessed throughout the empire. Here, then, was legitimate authority attained A.D. 1765.

The Company, however, did not at once "stand forth as Dewan." Meer Jaffier died, but his sons were successively made nominal governors, and other natives executive deputies, while the English administered the finances.

First subsidiary alliance with the Governor of Oude.

The Emperor and Nawab-Vizier soon courted a more close alliance with the English, in the hope of recovering Dehli, and in 1766 was formed the first subsidiary alliance, the English agreeing to furnish troops, and the Imperialists to pay for them. But, so far as the Emperor was concerned, he seems to have gained little by the arrangement, for, the

Marattas having taken Dehli in 1770, he preferred to ally himself with them, and the next year actually deserted to them. The Nawab-Vizier retained his possessions, supported by British troops in his pay, and from this time the tribute paid by the Company for Bengal ceased. By an arrangement shortly after concluded between the Nawab-Vizier and the English the latter obtained Benares from the former, while he became master of Allahabad, left by the Emperor on joining the Marattas.

The Emperor having deserted to the Marattas, the Company cease to pay him tribute.

Acquisition of Benares.

In 1772 the Company took the management of Bengal into their own hands, and assigned to the descendants of the nominal Governor of their own creation a pension of 160,000*l.* per annum.

Nominal Nawab of Bengal pensioned.

From this to the end of the century our political position in India was not materially altered, except that the military necessities of the Governor of Oude became greater, and the troops with him and his consequent payments were increased.

The Marattas retained their hold of Dehli and the north, and Scindia became a very powerful prince.

In 1796, Shah Zeman, King of Cabul, advanced to Lahore, but retired without doing anything of importance.

In the south we had, during this period, much harder work. In 1765 the Company had obtained from the Nawab of the Carnatic a Jagheer around Madras, and in 1767 the Nizam gave them the Northern Circars as a Jagheer, on condition of assisting him with troops.

Acquisition of Jagheer around Madras and Northern Circars.

Mysore belonged to an old Hindoo prince. A Mahommedan adventurer, Hyder Ali, rose to power in his service, supplanted him, and in the general confusion made himself powerful and increased his territories at the expense

both of his Hindoo neighbours and of the Nizam, from 1761 to 1780. During this time he had one war with the English, but made peace again. In 1780 came the great war with him, in which he gained great successes and reduced the Madras Government to the brink of destruction. He died in 1782, and his son Tippoo continued the war till 1784, when peace was made on equal terms.

Wars with Hyder and Tippoo.

The Company in emergencies assumed charge of the Carnatic, but it remained till the end of the century in the nominal rule of the Nawab and his successors. Altogether to the end of Warren Hastings's time (1785) the English possessions in India were as follows:—

English possessions in 1785.

BENGAL PRESIDENCY—Bengal.
Bahar.
Orissa.
Benares.
MADRAS PRESIDENCY—Jagheer around Madras.
Northern Circars.
BOMBAY PRESIDENCY—Island of Bombay.

The English authorities at home, finding war expensive and dangerous, were now very anxious to remain at peace in India, and deprecated extension of territory. Lord Cornwallis arrived in 1786, as Governor General and Commander-in-Chief, with most pacific instructions and intentions.

Pacific instructions from home.

Yet in 1790 another war with Tippoo broke out. It has been mentioned that up to the end of the Mogul Empire there existed some tributary Hindoo chiefships in the south; but they were now nearly extinguished. Hyder and Tippoo had been absorbing them, and one only, Travancore, remained. This last Tippoo now wished to absorb. But the Raja of Travancore was our ally; we interfered, and war resulted.

Tippoo was now so formidable to all his neighbours that Lord Cornwallis succeeded in getting the Nizam and the Marattas to join in a league against him, and invaded his territory. At first the Marattas did not meet him. He was unsuccessful, blew up his guns, and was retreating, when the Marattas, ignorant of future fate, arrived with abundant supplies, cavalry, &c., and the combined armies, returning, begirt Seringapatam, and in the end reduced Tippoo to pay the expenses of the war and yield half his territory, which was divided between the English, the Marattas, and the Nizam—the English portion being attached to the Madras Presidency.

War with Tippoo, and acquisition of a portion of his territory.

In 1798 Lord Wellesley became Governor-General, and during his reign a warlike and advancing policy prevailed. The Nizam was hard pressed by his old enemies, the Marattas, and, to strengthen himself, had established a regular corps under French officers. In 1798 he agreed to dismiss these, and to pay for a body of British troops sent to support him. In 1799 we again went to war with Tippoo, and the Nizam aided us. Seringapatam was taken, and the power of Tippoo annihilated. Part of his territories were annexed to Madras, and in part, according to the policy of those days, it was considered expedient to establish a Hindoo Raja, a descendant of the former petty dynasty, under subsidiary engagements, and altogether dependent on us. The Nizam's subsidiary force was also increased, and to provide for its payment he ceded all the territory which had fallen to his share from the spoils of Tippoo—both that assigned to him for the former war and that to which he had a claim for his share in the present victory. Both he and the Mysore Raja also agreed to support us in war with contingents of their own troops.

Lord Wellesley Governor-General.

The Nizam subsidised.

Fall of Tippoo, and further acquisition of territory.

Establishment of Rajas of Mysore.

Policy of Lord Wellesley.

The subsidiary system was very generally adopted by Lord Wellesley. It was his policy to take into our own hands most of the territory really our own, and to subsidise all the native states.

Assumption of management of Tanjore and the Carnatic.

About this time we assumed the management of Tanjore, and pensioned the Raja; and in 1801 we adopted the same course in regard to the Carnatic. In 1801 the troops employed with the Governor of Oude had become so expensive, and he managed so ill, that he could not make good his engagements, and it was then arranged that he should cede half his territories, viz. Allahabad, Rohilcund, and a great part of the Doab, in return for which we undertook the external and internal defence and protection of the whole. He also engaged to introduce in his remaining territory "an improved system of administration, with the advice and assistance of the British Government."

Cession of territory by Governor of Oude.

Hitherto, Bombay had been obscure, but at this period it began to rise. While the Maratta leaders extended their conquests to the point from which they had been repulsed by the Affghans, they fell into internal divisions at home after the death of the great Peshwah, whose heart was broken by the news of the defeat at Paneeput. The chiefs became unfaithful in their allegiance to his successors, who were served by their ministers as they had served the original Rajas. Of these internal opportunities the Bombay Presidency took advantage. So early as 1775, and again in 1778, they espoused the cause of a pretender to the Peshwahship, on condition of obtaining the island of Salsette, and other advantages, and a force marched from Bengal right across India to assist them. But they were totally unsuccessful, and obliged, as the price of their own safety, to give up the person of their candidate to his enemies.

Internal divisions of the Marattas.

In 1799 they entered on terms with the Guickwar, whom they assisted with their troops, and from whom in return they obtained Surat. Acquisition of Surat.

In 1805 the Guickwar concluded a subsidiary treaty by which he surrendered a considerable territory in payment of a British force. Guickwar subsidised.

The native powers had now learnt the advantage of European discipline and imitated it. By none was this system carried so far as by Scindia. Progress and character of Scindia. Of the Maratta chiefs who at this time extended the Maratta rule he was the most powerful. From his first possession in Malwa he had extended his levy of contributions over Rajpootana, and his conquests to Dehli and the surrounding provinces. He had a large force of disciplined troops, for the most part not Marattas, and had altogether changed the character of a Maratta army. He had some very able Europeans in his service, especially General Perron, who was not only a good general but a very able civil administrator, and whose name is still great in the land.

Holkar, on the other hand, was a true Maratta to the last, and in his service or alliance were Ameer Khan and the other great leaders afterwards called Pindarees; and who were, in fact, plunderers of the same kind, though not of the Maratta nation. Of Holkar. Of the Nagpore Raja. The Raja of Berar had become a settled prince at Nagpore, and no longer attempted to levy contributions from Bengal.

All the Maratta powers, the Guickwar excepted, had hitherto resolutely refused to enter into any subsidiary or other engagements with us. But Scindia and others having oppressed and tyrannised over their liege lord the Peshwah, he at last, in 1803, agreed to receive and pay for a body of subsidiary troops. The Peshwah subsidised. To this the great feudatories, Scindia, Holkar, and the Nag-

pore Raja, decidedly objected, and general war resulted. General Wellesley in the south and Lord Lake in the north defeated the Marattas, and an accommodation with Scindia and the Nagpore Raja took place. They gave up the whole of the Doab and Dehli territory possessed by Scindia, and part of Bundlecund (which with the cessions of the Nawab of Oude and the province of Benares constitute the north-west provinces), and also Cuttack, adjoining Bengal on the west, and some territory on the Bombay side. The Jats were forced to retire to the west of the Jumna, and to abandon Agra.

Acquisition of Agra, Dehli, part of Bundlecund, and Cuttack.

But in the next year (1804) Holkar carried the war into our territories in true Maratta style, and was joined by the Jats. He appeared before Agra and Dehli, had considerable successes, and, when at last routed in the field, took refuge in the Jat fortress of Bhurtpore, which successfully resisted our attempts to take it.

War with Holkar.

Holkar, however, was at last reduced to great straits. But at this time Lord Wellesley being succeeded by Lord Cornwallis, with pacific instructions, a change of policy took place and peace was made with him. He retired to his own territory in Malwa; the Jumna was made the limit of our empire, and the many chiefs to the west of that river were left to the mercy of the Marattas. There was, therefore, a large tract in Central India still free from our interference.

Receding policy — the Jumna our limit.

Meantime the Sikhs were powerful in the north. They had soon after the retirement of Ahmed Shah expelled the Mahommedan Governor of Sirhind, and carried their incursions into Mooltan on one side and into Rohilcund on the other. Latterly they confined themselves to the west of the Jumna, but on the other side largely increased their territory at the expense of the now reduced power of Cabul.

Progress of the Sikhs.

The Goorkahs overran all the hill country of the Himmalayas, till they met the Sikhs at Kangra. Ranjeet Sing, originally one of many Sikh leaders, now began to get the better of the others, and, conquering them, became supreme beyond the Sutlej. Finding that we had made the Jumna our limit, he then invaded the Cis-Sutlej or Sirhind Sikh territory, and commenced the subjugation of the Sikh chiefs and confederacies established there. They applied to us for assistance. We interfered, took them under our protection, left to Ranjeet whatever he had already conquered on our side, and everything on the other side the Sutlej. He acquiesced, made a treaty of amity with us (1809), and turned his arms the other way. He successively conquered Mooltan, Cashmere, and Peshawar from the Affghans, and established a regular army and absolute monarchy.

and of the Goorkahs.

Ranjeet Sing subjugates the other Sikh leaders.

We protect the Cis-Sutlej Sikhs.

Treaty with Ranjeet; his subsequent policy.

Scinde had also belonged to Cabul. Beloch chiefs acquired power there about the end of the eighteenth century, and their allegiance in the decadence of the Cabul kingdom became nominal. Ranjeet Sing, at a subsequent period, proposed to conquer Scinde, but was deterred by us, since we feared his reaching the sea, and establishing a communication with foreign European powers.

Scinde.

About the same time that we settled our relations with Ranjeet Sing we also sent missions to Persia and Cabul, by way of guarding against Affghan invasion. But in Affghanistan a revolution shortly occurred. The Dooranee sovereigns, descendants of Ahmed Shah, were expelled, and the Barukzye chiefs usurped the feudal superiority of the country, but did not assume the title of king. The expelled family took refuge with Ranjeet Sing (who on that occasion appropriated the

Persia and Affghanistan.

Koh-i-Noor), and finally were received by us at our frontier station of Lodianah, where they still remain, and whence they have made many attempts to recover their kingdom.

Lord Hastings Governor-General; his policy.

Lord Hastings became Governor-General in 1813, and he found himself compelled to complete the policy of universal domination over all India within the desert, which had been so far advanced by Lord Wellesley, but since receded from. In 1814 we quarrelled with the Goorkahs, and till 1816 waged war against them. The result was that we acquired the mountain territory from the Sutlej to the Kalee, and many of the most productive lands belonging to the Goorkahs at the foot of the hills. The Nepal Raja has since that time been much circumscribed in his revenue, and is bound to receive a Resident, not to employ Europeans, nor to make foreign alliances. We have had no further trouble from that quarter.

War with Nepal, and acquisition of hill territory.

Central India was now in a state of anarchy. Scindia and Holkar levied contributions on the smaller chiefs, and exercised a general supremacy, but a great number of plundering leaders called Pindarees did what they could on their own account, and sometimes made incursions into the settled territories.

Pindaree war.

In 1816 Lord Hastings determined to put an end to this state of things. Scindia and Holkar were called on to assist, and a great army surrounded the disorganised territory. But at this juncture there was a dispute with the Peshwah as to our relations and interference with him. He committed several outrages, then suddenly fled to the Pindarees, and made open war. The Nagpore Raja also declared himself hostile. All were however beaten: the Pindarees were reduced. Ameer

War with the Peshwah and Nagpore.

Khan, the chief Pindaree leader, came in and received a principality at the expense of Holkar, his former master. The Peshwah, reduced to extremity, surrendered, was deposed, and largely pensioned. The greater portion of his territory (excepting that formed into the Sattara principality, to be afterwards mentioned) was attached to the Bombay Presidency; and we also succeeded to the superiority over a number of petty chiefs in Bundlecund. Large cessions on the Nerbudda and south-west frontier of Bengal (containing a number of feudatory Rajas) were exacted from Nagpore, and a minor Raja was established at Nagpore under British control and subsidiary engagements.

Acquisition of territory from the Peshwah;

and from Nagpore.

Holkar's territory was now much reduced, and was subjected to British supervision. Scindia remained to a certain degree independent, but in offensive and defensive alliance, and provided a contingent. In the southern (and proper) Maratta country there were many feudal Maratta chiefs, whom we treated as such, maintaining those who had not been decidedly hostile. The superiority over the Guickwar (formerly belonging to the Peshwah) was now also transferred to us, and he made over more territory and increased his subsidiary force, receiving certain advantages in return. The supremacy over, and tribute rendered by, the Rajpoot and other minor states of Central India, also passed to the British Government. We became possessed of some small territory about Ajmere. Cutch was also about this time subsidized.

Acquisition of the supremacy over Central India and other parts.

A descendant of the family of the original Raja of the Marattas was dragged from obscurity, and set up at Sattara as a dependent monarch in a portion of the territories taken from the Peshwah.

Establishment of Raja of Sattara.

These arrangements effected, the British Government

became (1818) avowedly altogether supreme in India within the desert—that is, in the larger of the two portions into which the country is divided by the desert, as shown in the diagram, p. 26.

British Government becomes altogether supreme in India within the desert.

The lesser portion, composed of the plain of the Indus, long remained independent under amicable rulers. The province of Sirhind, on the Upper Sutlej, was our frontier.

Hitherto both the British and all the modern Mahommedan rulers had founded their claim to authority on nominal grants of the Mogul Emperor of Dehli. All money was coined in his name.

Name of the Emperor of Dehli no longer used.

The British Government of India now transferred its allegiance to its own proper sovereign, and the Governor of Oude assumed the title of King, or rather Emperor. It would have been more appropriate if he had transferred his allegiance instead of throwing it off.

The Governor of Oude becomes king.

We have seen the system of subsidizing many states with our troops, for which they paid. Many of them also engaged to assist us with a fixed number of their own troops when required. This last is the origin of the Nizam's and other contingents; and we must distinguish between subsidiary forces, which are our troops, paid for by native states, and contingents, which are native troops now generally officered by us.

Distinction between subsidiary and contingent forces.

We had now acquired the territory of some of the aboriginal tribes of the central hills—Coolies, Gonds, Bheels, &c.—and they have given us a good deal of trouble in a petty way. For they are savages, very impatient of all rule, who do not acquiesce in the orders of the powers that be, and some of whose practices — as, for instance, human sacrifices — are too abominable to be tolerated.

Aboriginal tribes.

In 1824 the Burmese threatened our eastern frontier. War was undertaken against them. It was expensive; but eventually we gave them a lesson, and they have never since been formidable to India. We acquired from them some districts on the eastern coast of the Bay of Bengal, detached from India, and the advantage of which does not appear. On the contrary, we are obliged to keep troops there and run the risk of differences with the contiguous Burmese, without any adequate advantage.

Burmese war.

Acquisitions on eastern side of Bay of Bengal,

We also on this occasion took possession of Assam and charge of the petty chiefs on the north-eastern frontier.

and of Assam.

In 1826, a revolution occurring at Bhurtpore, the *de facto* chief defied us; but this time we took the place and established the *de jure* chief under our protection.

Capture of Bhurtpore.

From this time the Indian empire enjoyed for some years unprecedented peace and prosperity. Lord William Bentinck was Governor-General from 1828 to 1835. He was the only Governor who has been engaged in no considerable wars, and was enabled to devote his whole attention to internal improvements.

Peace and prosperity of the empire under Lord W. Bentinck.

Ranjeet Sing was the only power on our narrow frontier, and he was strong and friendly.

In 1835, in consequence of the mismanagement of the Oude state, the Governor-General was authorised to take possession of the Oude territories. But he deferred doing so.

The protected state of Mysore established by ourselves was, however, taken under direct charge of British officers, on account of the Raja, and has ever since so remained.

Charge of Mysore assumed.

It had gone on prosperously for a time under an able

minister, but subsequently fell into complete disorder, and was unable to meet its engagements.

Lord Auckland Governor-General.

In 1836 Lord Auckland became Governor-General.

In 1838 the India Government was alarmed by the advances of Russia in Central Asia—and of Persia, then supposed to be under Russian influence, and to be besieging Herat with a view towards Affghanistan. The ruler of Cabul was not thought friendly. That country was judged to be the barrier of India on its only vulnerable side. The expelled king, so long resident under our protection, had made several expeditions to recover his kingdom, and had on one occasion for some time maintained his ground at Shikarpore, in Scinde; but had always been obliged to retreat, for want, it was understood, of a sufficient force to commence with.

The Affghan policy.

It was believed that a little assistance would set him up again, a friendly and grateful power, in Cabul. It was not considered that the Russians were still far off, that Persia had little military strength, and that the independent Punjab, still lying between us and Cabul, made an advance less called for and proportionately expensive.

It was determined to set up Shah Shoojah (Shah Zeman, the old invader of India, was alive with us, but long blind), and a tripartite alliance was formed between the British, Shah Shoojah, and Ranjeet Sing. A great army was prepared to cope, if necessary, with the Persians. The Persians being foiled at Herat, the army was reduced in strength, but proceeded to its original object by way of Scinde, Ranjeet Sing objecting to the direct passage by the Punjab, but aiding us and conveying the Shah's family by that route. The country proved much more naturally difficult than was expected, showing that the way was not so open to a foreign enemy as we supposed. But partly by fighting, and partly by

Advance and results.

bribing, we got through the passes, the famous fortress of Ghuznee was taken by a *coup de main*, and then the army triumphed.

Shah Shoojah was established, part of the army returned, and part remained to support him in Cabul and Candahar. The Affghan tribes were troublesome, the country unproductive, and the expedition proved unnecessary and expensive, yet need have been no more disastrous. It was hoped that the Shah would soon be strong enough to support himself, and that we might withdraw. The Affghan tribes have no force formidable in a pitched battle, nor can keep the field for any length of time out of their own hills, any more than the Highlanders could under similar circumstances. But they are impatient of foreign rule, and have always been prone to insurrection.

In the end of 1841, in the beginning of the winter season, they rebelled about Cabul, and gradually gained courage from success. We had 5000 men in a plain (the plain of Cabul), a fort commanding the city, and good store of ammunition and provisions. Such a force, acting as British forces generally act, would have stood in no danger from the insurrection of undisciplined tribes (as witness the position of the troops at Candahar and the very small force at Jellalabad), who, with none of our provisions of war or advantages of any kind, would soon have dispersed, and we might have regulated our civil policy as we chose. But from military causes a military catastrophe ensued. A general officer, who with mature age had obtained high standing in the army, received the prize of an Indian command. His constitution was unequal to such service or to the heat of India. It was humanely judged that the cool climate of Cabul might improve his health, and on the retirement of the Commander-in-Chief of the expedition he was appointed to

The disaster.

the Divisional command. His health did not improve; during the insurrection he was an unhappy invalid, utterly unequal to command, and soon after died. The second in command was a brave man, but of a bad temper, on bad terms with his superiors, and hated with intense hatred by the men under his command. Others there were, brave and good men, but no one commanded, no general measures were taken. The troops remained in an open cantonment. The Europeans showed, under trying circumstances, bad discipline under a hated commander; the stores were left in detached places, and successively captured by the enemy; bad feeling acted on bad fortune—all was depression and confusion. The political envoy, who was invested with general authority and alone showed some energy, was murdered. In this state of things the army agreed with the chief of the insurgents to abandon Cabul and retreat, he giving them a safe-conduct through the pass, always nearly impassable before an enemy, now filled with snow and much more difficult than ever. But neither could such a chief be trusted under such circumstances, nor had he any power whatever to fulfil the agreement. So, no sooner did our troops get into the defiles, where they had not a chance, than the tribes fell upon them, cut them to pieces, and carried off the spoil. Such it was—a grievous military catastrophe and misfortune to us both then and in our subsequent relations with the country; but in no way attributable to our policy, from which no such result necessarily or probably flowed. To the policy is due the expense, but not the disaster.

Lord Ellenborough Governor-General.

At this juncture Lord Auckland was succeeded by Lord Ellenborough. He seems to have shrunk from the responsibility of giving distinct orders to the generals, and to have left to them to determine their own movements.

The troops in Candahar and Jellalabad maintained their ground.

In the summer General Pollock advanced by the Khyber Pass, got through it by the help of bribes as usual, there met the Candahar force, blew up the bazaar of Cabul in a kind of triumph, to show what we could do, and retreated. Dost Mahommed, then a prisoner with us, was released, established himself as before, and we have since had no political relations with him.

But though we withdrew from Cabul, our military expenses were not yet over. On invading Affghanistan by the Bolan pass, Scinde became a base of our operations, and troops were there cantoned. When our misfortunes occurred it was supposed that the Beloch chiefs would have liked to have turned against us, but dare not and did not. Major-General Sir C. Napier then commanded a division in Bombay; he was a good soldier, of a keen energetic temperament, but somewhat quarrelsome disposition; had at one proud period of his life been in temporary charge of a petty island in the Mediterranean, but was, I believe, deposed by his superior, most unwisely as I have considered; and he had ever since added to his military ardour a still greater ambition for civil power—as it often happens that we prefer to the talents which nature has given us those which she has denied us. He was appointed to the command in Scinde, and Lord Ellenborough, an admirer of heroes, subsequently invested him with political powers. He soon quarrelled with the chiefs, and came to blows with them. Their followers were brave but undisciplined, and they had no efficient artillery. An active soldier was opposed to them. He easily overcame them, declared the territory annexed, and was made Governor of Scinde. Annexation of Scinde.

Now the Beloch chiefs had no other right to the territory than that of the sword, and we, having the better

sword, were perfectly justified in taking it from them if we chose, without reference to the particular quarrel between Sir Charles and the chiefs, the merits of which have been so keenly disputed, and on which I need not enter. But the question was one of expediency; and this premature occupation of Scinde was not so much a crime as a blunder, for this very simple reason, that Scinde did not pay, but, on the contrary, was a very heavy burden by which the Indian Government has been several millions sterling out of pocket.

The Ameers had amassed in their own way considerable property and treasure, which the General obtained for the army. He was thus rewarded by an unprecedented prize money, and with the government of Scinde, while Bengal paid the costs of the Government he had gained. Scinde was so great a loss for this reason—that it was not, like other acquisitions, in the midst of, or contiguous to, our territories, but was at that time altogether detached, and separated by the sea, the desert, and the independent Punjab; while on the fourth side it was exposed to the predatory Beloches of the neighbouring hills. Consequently, every soldier employed there was cut off from India, and was an expense solely due to Scinde. And while a great many soldiers were required to keep it, it produced very small revenue to pay them. It is in truth very like Egypt,—that is, it is the fertile valley of a river running through a barren country, where no rain falls. But there is this difference,—first, that, while no broader, it is not so long, nor has the fine Delta which constitutes the most valuable portion of Egypt; second, that, while Egypt is free from external predatory invasion, Scinde is exceedingly exposed to it; and thirdly, that, while Egypt has a European market for its grain, Scinde has not. Altogether, the conquest was at the time, as concerns India, much as if we had taken the valley of the Euphrates.

Half a dozen years later, when we advanced over the plain of the Indus, and annexed the Punjab, we must have arranged to control Scinde too, directly or indirectly, as might be done cheapest; but during those intermediate years it was a gratuitous loss and the chief cause of the late derangement of our Indian finances.

Vacancy in Gwalior chiefship, and consequent arrangements.

Towards the end of the year 1843 another important political event occurred: Scindia had died without heirs. His territory in Malwa, and extending to the Jumna close to Agra, was rich and productive, in the very centre of our dominion, surrounded by our civil and military posts. It was no ancient Maratta country, ruled by a national Government, but a recent conquest which did not contain a single native Maratta; and Scindia, more than any Maratta chief, had ceased to keep up a Maratta system or Maratta army. He had regular regiments of mercenaries, and many Portuguese and half-caste officers, and he ruled simply as a foreign conqueror. Here, then, was an opportunity of adding fairly and wisely to our resources. No heir to deprive of his rights, no nationality to destroy, a territory which would not have involved the addition of a single soldier to our army, and a large revenue which would have been all clear gain.

But, unluckily, too great eagerness in seizing the unripe crab-apple of Scinde deprived the Government of the ripe pear of Gwalior. The summary treatment of the Ameers, and perhaps still more the unprofitable nature of the acquisition, had hurt the consciences of the people of England, and there was a great cry against such acts. Lord Ellenborough, therefore, at that moment dared not to annex Gwalior. He sanctioned the adoption by a widow-child of thirteen of a boy of eight to fill the vacant throne, and selected a minister to manage his affairs for him. But the Gwalior court and camp chose to set up

another minister, and declined to alter their choice. A force was moved against them, met the Gwalior army, fought, and, at the expense of much bloodshed, conquered: Lord Ellenborough was present in a state of military enthusiasm, distributed oranges to the wounded and sweetmeats to the army, and set up his minister and Council of Regency. The Gwalior army was for the most part disbanded, and a contingent under British officers was substituted. But the country and its revenue were left to a native Government of our own creation, subject to British authority during the minority of the Raja, but with no provision for the internal administration after January, 1853.

Lord Hardinge Governor-General.

Shortly after these events, Lord Ellenborough being recalled, Lord Hardinge reigned in his stead. About this time occurred a serious outbreak in the southern Maratta country. This territory was principally under small Maratta states. It was the original Maratta country, and filled with old forts and old Maratta soldiers. The native Governments did not directly and avowedly rebel, but there were minorities, and regencies, and misgovernment, which caused rebellion. Some of the old soldiers in charge of forts, believing that they were to be dismissed, armed the forts, and eventually the whole of the two states of Kolapore and Sawantwaree were in open revolt, and a large British force was employed to put them down and to take the forts. This done, we, by a singular policy, reinstated the chiefs, but for the time undertook the management of their territory. We had also much trouble in another part of India, the highlands of Orissa, from the aborigines, the Khoonds. We tried to put down human sacrifices and to support friendly chiefs; but the Khoonds maintained a barbarous warfare which was not put an end to without much trouble.

Outbreaks in southern Maratta states;

and among the aborigines of Orissa.

The Punjab wars occurred in this wise. Ranjeet Sing died in 1839. During his life the discipline of his army and discretion of his Government was great. Goolab Sing was one of a favourite family—not a Sikh; had risen from a low position to be Governor of the hill country about Jummoo, and had acquired great local influence. After Ranjeet's death, and the speedy end of his two immediate successors, the succession was disputed; but Sher Sing was finally established, and, reigning during the very critical period of our Affghanistan disasters, was most friendly and useful to us.

Events which led to first Sikh war.

In the end of 1843 he was assassinated. The minor, Dulleep Sing, was proclaimed, and a succession of revolutions and assassinations followed. The army usurped the power of the state, and largely increased its emoluments and its numbers. It regulated matters by its Punches or committees, exactly in the same way as the old Republican army did in England.

This being the state of things, our frontier no longer enjoyed security. It was quite without natural or artificial protection, and it was necessary to be ready with a large army to meet the great Sikh force, which might at any time become hostile. The troops on our frontier were, therefore, largely increased in as quiet a manner as possible. It happened, too, at an inopportune moment, that a pontoon bridge (which never proved of material service) was brought up from Scinde and placed on the Sutlej, opposite Ferozepore. The Sikhs fancied that they saw in these movements an intention to interfere in their affairs, as we had done in those of other states. There was another cause of irritation. When we took the Cis-Sutlej Sikh states under our protection, we left to Ranjeet Sing the territory then possessed by him on our

Causes of breach of treaty by Sikh army.

side the Sutlej, with the stipulation that he was not to send across any military force except that required for the internal management of his own territory. It was now a question whether that territory (on our side the river) was held, like the protected states, subject to our supremacy and interference, or whether it was as completely independent as the Punjab. I cannot learn that we had formerly claimed the right of interference; but—the Sikh army being restricted to the other side, Ranjeet Sing being disposed to cultivate a good understanding with us, the political agents (Sir C. Wade and Sir G. Clerk) having great personal influence, and the Sikh Vakeel or ambassador being resident at Loodianah in our territory—it had so happened that our wishes were generally attended to, and that disputes with the other Sikh chiefs were settled by the British officers, while we, on the other hand, met Ranjeet's wishes as far as possible. Sir G. Clerk having been promoted, new men were put in charge of our frontier relations by Lord Ellenborough, and seem to have assumed as a right what had heretofore been yielded to a good understanding.

In 1845 Major Broadfoot was political agent. He was a man of great talent and immense energy, but of a rather overbearing habit. In difficult and delicate times he certainly did not conciliate the Sikhs.

Both from these circumstances and from the concentration of our troops the Sikh army became irritated, and the impression was strong with them that they—or at least their territories on our side the river—were menaced by us. They formed no deliberate plans, for they were under the authority of no individuals who could form and carry out plans, and their intentions could not be foretold, because they did not know them themselves.

At last the body was sufficiently moved. They marched to the Sutlej, crossed in December, 1845, and encamped

in their own territory south of that river, half fearing the result of a conflict with us, half big with the idea of overrunning India if they beat us.

Altogether I believe the fact to be that, had Sir G. Clerk remained in charge of our political relations, the Sikhs would not have attacked us at the time they did: it might have been delayed. But still it was well that they came when they did. It was impossible that we could go to the expense of continually maintaining an army to watch a disorganised force, restrained by no government, no treaties, and no fortifications on our side. It was therefore fortunate that, by a breach of the treaty in crossing the river, they brought matters to a crisis.

An army, hastily collected from our frontier cantonments, pushed up to oppose the Sikhs. It was at Moodkee and Feroshahar, in their Cis-Sutlej territory, that the first engagements took place. The result, as is well known, was their discomfiture, after an obstinate contest, in which the old plundering guerillas took little share, and the regular army fought in regular battle. Goolab Sing had held aloof, and now appeared to negotiate. The ministers about the person of the minor chief were recognised by us as the Government. They agreed to cede their Cis-Sutlej territory and the convenient and very productive Doab between the Sutlej and Beas (together yielding about half a million per annum), and to pay a large sum towards the expenses of the war. The whole of this money not being forthcoming, an arrangement was made by which Goolab Sing paid half a million sterling from his private resources, and received in return the sovereignty of all the hill country, including Cashmere, under obligations of fealty to us. A force was left at Lahore to establish on a firm footing the new Government, and another was employed to give Goolab Sing possession of his purchase.

Consequent arrangements.

But at the end of 1846 it was clear that a "strong Sikh Government" had not been formed. The ministers had little inclination to trust to the temper of the army. They therefore prayed our assistance, and a treaty was formed by which we were to supply a subsidiary force, for which the Sikh Government was to pay; and they were to govern under the control of a British resident during the minority of the Maharaja. This treaty was signed by the principal ministers, Hindoo, Mahommedan, and Sikh, and also by several distinguished Sikh chiefs of the principal families, including Sher Sing and one or two others, who afterwards treacherously distinguished themselves in the next war; but the great body of the Sikhs and the army were only so far bound as they, for the time, silently acquiesced in the arrangement.

The subsidiary force was cantoned at Lahore only. The Lahore army was reduced, remodelled, and distributed over the provinces, retaining the usual proportion of artillery and munitions of war. The Resident had a large staff, and under native form directed most of the affairs of the Government.

It was considered that in the late war the protected Sikh states had shown a lukewarmness in assisting us. They were, therefore, with certain exceptions, deprived of most of their powers and reduced to the condition of subjects. Several of them who had been connected with Lahore, and hostile to us, forfeited their possessions altogether.

These arrangements being finally completed and carried out, Lord Hardinge shortly retired from the Government, and in the beginning of 1848 Lord Dalhousie succeeded.

Lord Dalhousie Governor-General.

Before coming to the second Sikh war I must notice a lapse which in this year occurred in the south. The establishment of Sattara as a dependent native government has been noticed. The

Lapse of Sattara.

Raja had been some years before detected in treasonable practices. He was deposed, and his brother was set up in his stead. The justice of the deposition has been much questioned; the more, as the Raja had a large connection with Europeans in Bombay, and paid high for their advocacy. But it is perfectly clear that our Government gained nothing by that proceeding, and may therefore have the credit of acting to the best of its judgment. Both the deposed and the new Raja died without heirs, and each dying adopted a son. The question now came to be finally decided, whether dependent princes were to be permitted in default of heirs to adopt without the sanction of the superior power. Lord Dalhousie decided most reasonably that they should not. The decision was confirmed at home,—and Sattara so lately set up by us, again lapsed to us.

In the Punjab the Sikh army was ready to try one more struggle with us. The Resident found that to conduct matters as he could wish it was not only necessary to exercise his authority at head-quarters, but also in the provinces. While therefore native provincial governors were appointed, assistants of the Resident were in several instances sent with them as a sort of supervisors, who exercised a very discretionary authority. These arrangements, and the general economy and reform enforced, were naturally very distasteful to the Sikhs and to the army, and that army was still strong and in uncontrolled garrison of the provincial cantonments and forts. It was found too that under this system the resources of the country were unable to pay for a double Government and a double army, the one maintained to check the other; and the payments due to the British Government fell altogether into arrear.

Circumstances leading to the second Sikh war.

The province of Mooltan was still under its old Governor, who was also farmer of the revenue. But from

the necessities of the State increased payments were required of him. Moolraj was a man of little military propensity; he found his position difficult, and had amassed a large private fortune. He therefore sent in his resignation before Lord Hardinge's departure, and there is no doubt was seriously anxious to resign. He was pressed to retain his Government, but declined to do so; and as he was determined, it was resolved to send a new Governor, a Sikh, but with him a European supervisor to exercise real power. Khan Sing and Mr. Agnew arrived at Mooltan, and were received by Moolraj. He was willing to deliver over his charge; but very much insisted that bygones should be bygones; that it should be a stipulation that he was not to be afterwards made responsible for acts done by him as Sikh Governor, and which might not be in accordance with our ideas of justice, nor be compelled to render any account of collections for which he had already paid up his stipulated quota. He was told that such stipulation could not be made, as his accounts were necessary for our settlements of revenue, and that he would be liable to answer complaints of injured parties having reference to a limited period. This resolution very much disgusted him, and his feeling may in some way have communicated itself to the garrison, but he certainly made no arrangements deliberately to rebel. The soldiery, however, were very much irritated, they believed that they would be dismissed and superseded; and when the British agents viewed the fort a tumult arose, they were wounded, eventually attacked and killed, and the garrison of the fort was in open rebellion. Moolraj, finding himself irretrievably compromised, permitted the insurgents to put him at their head.

The fort was strong, the season unfavourable, and the force first sent turned out to be insufficient. Mooltan held out for several months, and in the end almost the whole Sikh army took part in the rebellion.

Sher Sing, and those who had signed the treaty and afterwards rebelled, were in this guilty of a gross breach of faith; but the great mass of the Sikh army can hardly have this blame attached to them, and the war was theirs, not that of the non-military ministers. It was a war to retrieve their power and independence, which they were quite justified in attempting if they chose; but in which they at the same time fairly staked the remains of their independence if they should lose. They *did* lose; and all military opposition being overcome, Lord Dalhousie, in March, 1849, annexed the Punjab to the British dominion. He considered that the Sikhs, having rejected all compromise, and fought to the last extremity, were entitled to no further consideration than that due to the brave vanquished—that they had no further claim to political domination. It being then open to us to do as we would with the Sikh territory, it was further clear that, however well pleased we might have been to have on the Sutlej a secure and peaceable frontier, as in Lord W. Bentinck's time, that being impossible, it was cheaper for us and better for the country to take it ourselves than to maintain an army to watch a hostile power, and enact over and over again such scenes as we had just gone through—that, in fact, such a conclusion was unavoidable. The country, then, being taken, long experience proved that it was better, more securely, and more cheaply ruled directly by ourselves than indirectly through native agency. A great part of the territory to the north, near the hills, was very productive, and altogether it yielded with the slice already assumed, a revenue of nearly two millions sterling, a sum much more than sufficient to pay the additional cost, civil and military. The addition of this territory brought us to the natural boundary of India, the hills beyond the Indus. Our next neighbour is now Affghanistan, a hill country of small resources, and of little

Annexation of the Punjab.

aggressive military power; from which we are in no danger whatever. We are also enabled to diminish, in some degree, the military force in Scinde from its former disproportionate amount. The territory ruled by the Sikhs was therefore wisely and properly annexed. It included, with the Punjab, some territory beyond the Indus and adjoining the hills, conquered by Ranjeet Sing from the Affghans.

Result of the annexation.

The Punjab, ever since it has been in our direct possession, has remained perfectly quiet and orderly, as much so as any, even the oldest and best, of our possessions. Our Trans-Indus territory has given a good deal of trouble. The marauding tribes inhabiting the outer ranges of hills are those of un-Indian blood and manners, predatory habits, and independent character, who gave the Mahommedan emperors so much trouble. They are, in their own fastnesses, independent of all government and all rule, and the neighbouring plains and valleys are subject to their depredations. Our humanity will not permit us to make their mere origin and race a capital offence, wherever they are found, without further accusation or trial, as General Avitabile did, and our dignity is little consistent with compromise and payments to them. The direct rule of the strip of territory exposed to them is therefore still a political difficulty to us, as it was to the Moguls before us, but it is a difficulty on a small scale. We have had no political relations with Dost Mahommed, but he and his subjects have given us no trouble or annoyance of any kind.

We have, then, at last reached the limit of, and become supreme in, *all* India. We have the whole country in our power, to do as we will with, and we have a natural line of circumvallation dividing *it from the rest of the world.* We may now, then, devote our attention *exclusively to* internal *improvement; and the review of our system of* internal policy becomes doubly interesting.

We have seen how, and with what obligations, we acquired our present territory. We have also noted the origin of the native states, and may judge how far they are in the position of nationalities, how far they have any right better than that of those who may conquer and succeed them. It appears that, in fact, hardly one of the modern native powers had so ancient or legitimate an origin as ourselves; that many of them were, in fact, established by us; and especially that many of those nominal princes who draw the largest political stipends from our treasuries are not ancient, national, or rightful rulers, but mere creatures of our peculiar policy.

General conclusion in regard to native states and native princes.

I have given the sketch contained in the present chapter principally to show clearly these points.

Many of the smaller native states have not been particularly mentioned, but they come under general heads; and in the territories made over to us we found, and have sometimes maintained, and we have sometimes created, where we did not find, subordinate native chiefs; and we have granted political pensions and compensations to claimants of various rights.

I shall therefore give a list, first of our present obligations or undertakings, pecuniary and political, on account of the territories held by us; and second, of native states, with their obligations, as they exist at the present day. In the statements of the population and revenue of the native states I cannot pretend to exact accuracy. An accurate statement could only be officially obtained by the Government of India, and I cannot find that any such exists. Some of the items are given from tolerable information, some are more or less conjectural. The areas are taken from the Survey statements, and the whole population and revenue must rather considerably exceed than fall short of what is here stated.

ANNUAL POLITICAL PAYMENTS of the BRITISH GOVERNMENT.

Recipients.	Amount in Pounds sterling.	Remarks.
	£.	
King of Dehli	150,000	The only pension for the amount of which there is reasonable ground.
Nawab of Bengal . . .	160,000	An absurdly large pension to the descendant of Meer Jaffier, a temporary Governor created by us.
Families of former Nawabs of Bengal.	90,000	It seems most unreasonable that this should be addition to instead of part of the allowance made to the head of the family.
Nawab of the Carnatic .	116,540	The descendant of a Deputy-Governor established by us gets about four times as much as the Prince Consort of the United Kingdom.
Families of former Nawabs of the Carnatic.	90,000	Should be paid by the Nawab.
Raja of Tanjore . . .	118,350	Allowance to the descendant of a petty military chief.
Raja of Benares . . .	14,300	Allowance to a deposed Zemeendar.
Families of Hyder and Tippoo.	63,954	Allowance to the descendants of an upstart usurper, our bitterest enemy, who fought to the last, and with whom no terms were made.
Rajas of Malabar . . .	25,000	
Bajee Rao, deposed Peshwah	80,000	The Peshwah is lately dead. I do not know whether the pension is discontinued.
Others of the Peshwah's family.	135,000	A great deal too much.
Various other allowances .	443,140	Includes a variety of small political stipends, pensions, and compensations.
Total . .	1,486,284	

POLITICAL OBLIGATIONS of the BRITISH GOVERNMENT other than PECUNIARY.

General.

Obligation.	Consideration.	Remarks.
Defence and Imperial Government of the whole of India.	The revenues of half of India.	Income has not hitherto equalled expenditure.

Particular.

Obligation.	Consideration.
External and internal defence and protection of the whole of Oude.	Part of former Oude territories.
External defence and protection of the Nizam.	Some territories conquered by us for the Nizam, and a contingent.
External and internal defence and protection of Nagpore.	80,000*l.* per annum.
External and internal defence and protection of Gwalior.	A contingent.
External and internal defence and protection of Holkar.	Part of territory, and a contingent.
External defence of Bopal	A contingent.
External defence of Golab Sing	Nil.
External defence of Bahawalpore	Nil.
External and internal defence and protection of Mysore.	245,000*l* per annum, and a contingent.
External and internal defence and protection of the Guickwar.	Part of territory.
External and internal defence and protection of Travancore and Cochin.	113,000*l.* per annum.
External and internal defence and protection of Cutch.	18,000*l.* per annum.
External and internal defence and protection of Rajpoot states.	About 95,000*l.* per annum.
External and internal defence and protection of a vast number of petty states.	In most cases nil; in some very small tributes, amounting to about 30,000*l.* per annum.

NATIVE STATES not under the direct rule, but within the limits of the Political Supremacy, of the EAST INDIA COMPANY; showing Area, supposed Population, Estimated Revenue, and the engagements by which they are connected with us.

UNDER THE SUPREME GOVERNMENT.

Name of the State.	Area in Square Miles.	Supposed Population.	Estimated Revenue in Pounds sterling at 2s. per Rupee.	Annual Payments to British Government.	Contingent Force maintained under British Officers.	Engagements on either side.
			£	£		
1. NEPAL (Hindoo)	54,500	1,940,000	320,000	Nil	None	Amity and friendship. Nepal to abide by decisions of British Government in certain cases; to have no political relations with other native states; and to entertain no European or American in its service.
2. OUDE (Mahommedan)	23,788	*5,000,000	1,500,000	Nil	None	Military defence by British Government against internal and external enemies. The King of Oude has engaged to introduce an improved system of administration into his territories with the advice and assistance of the British Government. Interference in internal affairs is therefore exercised as far as possible.
3. The NIZAM (Mahommedan)	95,337	10,666,080	†2,000,000	Nil	*Contingent*:— 5 regts. of cavalry, 8 regts. of infantry, 4 comps. of artillery;	Military defence by British Government. The Nizam undertook to aid us with a contingent, which was afterwards put

7. BOPAL (Mahommedan)	6,764	663,000	220,000	Nil	A contingent of 833 men	Protected, and maintains a contingent under British officers. Stipulation, as in Holkar's case, that he is to be absolute over his own subjects.
3. GOOLAB SING (Hindoo).	25,123	750,000	400,000	Nominal tribute	None	Feudatory, and protected from external enemies; renders only nominal tribute. No provision for any interference in his internal affairs.
9. BAHAWALPORE (Mahommedan)	20,003	600,000	140,000	Nil	None	Protected; renders nothing, and manages his own internal affairs.
10. MYSORE (Hindoo) . .	30,886	3,000,000	800,000	245,000	2,702 irregular cavalry	Protected: pays for British military force, also maintains a contingent of irregular horse, and we have by treaty right of interfering in internal affairs.
5. SCINDIA or GWALIOR (Maratta)	33,119	3,228,512	800,000	Nil	*Contingent*:— 4 comps. of artillery, 2 regts. of cavalry, 7 regts. of infantry; altogether 8,401 men	Protection by British Government; the Gwalior state maintaining a contingent, which is practically a British force, but making no other payment. The British Government exercises unlimited control over internal management during minority of Raja, that is, till January 1853, after which no further provision is made.

* The population is clearly under-estimated in the printed statements. It is as fine a territory as the N.W. provinces, and yielding so large a revenue must have more inhabitants than 3,000,000. I allow about 210 per square mile; the adjoining British districts have 400.

† The smaller sum usually stated seems to exclude certain assignments.

NATIVE STATES, &c.—*continued.*

Name of the State.	Area in Square Miles.	Supposed Population.	Estimated Revenue in Pounds sterling at 2s per Rupee.	Annual Payments to British Government.	Contingent Force maintained under British Officers.	Engagements on either side.
6. HOLKAR (Maratta) . .	8,318	815,164	£ 220,000	£ Nil	A legion of artillery, cavalry, and infantry, of 1400 men	Protection and military defence against internal and external enemies by British Government. Holkar maintains a contingent under British officers. It was stipulated that he should be absolute over his own subjects, but, owing to a minority and mismanagement, we interfered.
					altogether mustering 8,094 men	under British officers, for his and our service.
						There has never been any stipulation for interference in internal affairs, but matters have generally been conducted by a minister who has our countenance and support.
4. NAGPORE or BERAR, (Maratta) . .	76,432	4,650,000	500,000	80,000	None	Protection and military defence by British Government. The tribute is paid for a subsidiary force. The British Government to give advice on internal affairs, and the Raja bound to take it. In the event of gross mismanagement, the British Government may assume charge.

						We have, therefore, on account of mismanagement, taken it entirely under charge of British officers. The contingent was 4000, but has been reduced. It seems to be under command of native officers, but, being with the whole country in our charge, may be considered available for our service.
11. Petty States in BUNDLECUND, 34 in number (Hindoo)	10,938 Smallest, 1 Largest, 2,532	1,082,600	300,000	Most pay nothing; a few a small tribute	None	Protection and allegiance. No stipulation for interference in internal affairs, but it is exercised when necessary.
12. Petty States in SAUGOR and NERBUDDA territory, 8 in number (Hindoo)	12,144 Smallest, 100 Largest, 9,827	1,560,000	300,000	Nil	None	Ditto, ditto.
13. Petty States under Resident INDORE, including DHAR and DEWASS, 11 in number	8,906	751,738	200,000	Some tributary to Holkar and Scindia, but generally pay nothing to British Government	Dewass and another contribute to Holkar's contingent about 217 men.	Protection and allegiance. Stipulation that they are to be absolute masters of their own territories and subjects, and no British jurisdiction introduced. But when circumstances have rendered it necessary, we have interfered and do interfere.
14. BHURTPORE, ALWAR, BIKANERE, JESSULMERE, and several Rajpoot and other States west of the Jumna, 9 in all (all except one Hindoo)	41,571	2,525,774	800,000	Nil	None	Ditto, ditto.

NATIVE STATES, &c.—*continued.*

Name of the State.	Area in Square Miles.	Supposed Population.	Estimated Revenue in Pounds sterling at 2s. per Rupee.	Annual Payments to British Government.	Contingent Force maintained under British Officers.	Engagements on either side.
			£	£		
15. RAJPOOT STATES:—						
Kotah	4,339	433,900	280,000	18,472	A contingent of 1,148 men	
Joudpore and feudatories	35,672	1,783,600	400,000	22,300	Joudpore legion is paid partly by the tribute, partly by us	Same as No. 13. Jeypore agreed to pay 80,000*l.* but it has been reduced.
Jeypore and feudatories	15,251	1,891,124	400,000	40,000	None	
Oodeypore and feudatories	11,614	1,161,400	300,000	20,000	None	
Six others	11,412	989,000	300,000	15,000	None	
16. HILL STATES, 22 in number (about Simla, Hindoo).	11,017	673,457	45,000	Nil	None	Protection and allegiance; pay nothing; right of interference in internal affairs assumed. Power of life and death, except with sanction of British agent, generally taken away.
17. Protected SIKH STATES; reduced to 9 in number	6,746	1,005,154	350,000	Nil	None	Ditto, ditto.
Total under Supreme Government	543,830	43,767,159	10,279,000	440,772	22,795 men.	

UNDER GOVERNMENT OF BENGAL.

18. Petty States on South-Western Frontier of BENGAL, 20 in number	25,431	1,245,655	400,000	A small tribute	None	Protected and tributary; interference in internal affairs exercised when necessary.
19. Petty States on North-Eastern Frontier of BENGAL, 31 in number	42,360	1,086,054	300,000	Some pay a small tribute; some do not	None	Protected; interference in internal affairs exercised when necessary.
Total under Government of Bengal	67,791	2,331,709	700,000	. .	None	

UNDER GOVERNMENT OF NORTH-WEST PROVINCES.

20. RAMPORE (Mahommedan)	720	320,400	60,000	Nil	None	On death of last Nawab. without heirs, the present Nawab was established by us, is protected by us, and owes allegiance, but we do not interfere in his internal affairs.
21. Petty States about DEHLI, 7 in number	1,835	217,550	80,000	Nil	None	Protection and allegiance; interference in internal affairs exercised when necessary.
Total under Government of N.W. Provinces . .	2,555	537,950	140,000	Nil	None	

NATIVE STATES, &c.—*continued.*

UNDER GOVERNMENT OF MADRAS.

Name of the State.	Area in Square Miles.	Supposed Population.	Estimated Revenue in Pounds sterling at 2s. per Rupee.	Annual Payments to British Government.	Contingent Force maintained under British Officers.	Engagements on either side.
			£	£		
22. Travancore (Hindoo) .	4,722	1,011,824	360,000	89,000	None	Pays for military protection, and we have right to interfere and manage the territory whenever we apprehend a deficiency of revenue.
23. Cochin (Hindoo) . .	1,988	288,176	70,000	24,000	None	Same as Travancore.
24. Hill Zemindars (Hindoo)	13,041	391,230	700,000	Nil	None	Protection and allegiance.
Total under Government of Madras	19,751	1,691,220	470,000	113,000	None	

UNDER GOVERNMENT OF BOMBAY.

25. The Guickwar (Maratta)	4,399	325,526	800,000	Nil	None	Military protection, in payment of which territory has been ceded. We at one time had a principal share in the management, and guaranteed certain debts and persons, wherefore by the last treaty certain rights of interference were reserved.
26. Petty States tributary to the Guickwar, 28 and	38,829	2,114,846		Nil	None	Under British control.

27. Other Petty States, 9 in number	3,308	244,792	100,000	Some pay a small tribute; some do not	None	Protection and allegiance.
28. Cutch (Hindoo) . .	6,764	500,536	160,000	18,000	. .	Military protection against internal and external enemies, and Rao is engaged to abolish infanticide. In consequence of a minority we interpose in internal affairs.
29. Kolapore (Maratta) .	3,445	500,000	130,000	. .	. .	In consequence of mismanagement and rebellion, at present managed by British Government.
30. Sawantware (Maratta)	800	120,000	30,000	. .	. .	Ditto, ditto.
31 Jagheerdars (Southern Maratta)	3,775	419,025	150,000	A small tribute	None	Protection and allegiance.
Total under Government of Bombay	56,320	4,613,225	1,370,000	18,000	None	
Summary.						
Under Supreme Government	543,830	43,767,159	10,279,000	440,772	22,795 men	
Government of Bengal .	67,791	2,331,709	700,000	. .	. .	
,, N.W. Provinces	2,555	537,950	140,000	. .	. .	
,, Madras . .	19,751	1,691,220	470,000	113,000	. .	
,, Bombay . .	56,320	4,613,225	1,370,000	18,000	. .	
Grand Total . .	690,261	52,941,263	12,959,000	571,772	22,795 men	

Object of these statements.

These statements show the political position of each state, and what it contributes towards the expense of defending, or the army which defends, the empire. It will be seen that Nepal alone retains any remains of independence, and, standing isolated, encompassed by our territories, that state has, as regards external politics, as little independent action as any other. But in its internal affairs we have never attempted to interfere. The Resident is rather an ambassador than a supervisor. Nepal, therefore, might be formidable if it had the means, but our security is in the smallness of its revenue. Its territory is almost entirely mountain, yields a comparatively small sum, and its army is very small. It is formidable on the defensive, but would be contemptible on the offensive.

Nepal alone partially independent.

All other states directly subject to our political and military rule.

All the other states are, in fact, now directly subject to our political power, and have no independent military existence. It will be seen that some contribute a little towards the general defence of the empire, and a great many, especially most of the smaller states, nothing at all. In the great majority of instances there was no stipulation to give us the power of interfering in their internal affairs, but, rather, it was either expressed or implied that they were to be absolute in their own territories, and to do as they chose: more particularly it was so with regard to the smaller states. In fact, these latter seem to have much the best terms in every way. It has always been remarked that small native states are often better managed than large ones. The natives can manage detail well, are often quite *inclined* to rule well, and succeed when their territory is within the range of personal control (as it was in the old

Some contribute, most do not.

In most cases no stipulation for interference in internal government.

Small states.

Hindoo system of petty states); but they have seldom, in these days, system, energy, and confidence in one another sufficient to manage large governments, and those are, therefore, almost invariably bad.

All the states subject to our supremacy and military rule—that is, all except Nepal—are bound, in return for our protection, to assist us with such troops as they possess when required to do so. It is therefore unnecesary more particularly to state this provision in each case. But even although the number of troops to be furnished is generally stipulated, this obligation is now in most cases practically a dead letter, because, in our present position, we never want, or are likely to want, the irregular native troops; if we did, they would be of no use to us; and if ever we are so far reduced as to stand in need of their assistance, they are not likely to join us. It is therefore only the regular forces under British officers which have grown out of some of these contingents which may be considered as in some measure a contribution to the general defence of the empire, and I have entered them in the statement accordingly, omitting the obsolete contingents altogether.

All are bound to assist us in war.

But only contingents under British officers are useful.

The principal native states have already paid for their defence and protection by the cession of territory supposed to belong to them, and now incorporated in our possessions, and we have undertaken the military expenses of the whole with the revenue of a part of India. Oude and some other states are thus in the pleasant position of holding their present territories without the necessity of any military expenses whatever, and with the whole revenue to do what they like with; while some, as, for instance, Mysore, contribute largely in different shapes to the Imperial resources. Some states contribute in money (generally at a very inadequate rate) towards our

military expenses; and I have alluded to the fact that several of the contingents, which many states bound themselves to furnish, have been gradually brought under British control and made efficient troops, doubtless adding to our military strength. This change has been in most instances effected by mutual consent, from time to time, as opportunity occurred and necessities urged, rather than under express agreement by treaty. In this way was formed the Nizam's contingent, about 8000 regulars being substituted for the 15,000 irregulars (9000 cavalry and 6000 infantry), to furnish which he had stipulated.

Contingents in general, and the Nizam's in particular.

There is this objection to such a form of contribution to the general defence, that contingents are apt to be more expensively managed than our own troops, are not so generally useful, and are not uniform in system with our army, so that the money probably does not go so far as if it were paid to us and the military service left entirely in our hands.

But, certainly, to support the contingent is not a hardship on the Nizam since he has agreed to it and it has long existed. For it must be remembered that he does not from his present revenue pay one farthing for any subsidiary force. This contingent is his sole and only contribution to the Imperial army or the Imperial expenses, and, if that were disbanded, he would enjoy an immense and valuable territory free from all contribution, while the British Government, his defenders, are embarrassed and in debt; a phase of things of which we have a great deal too much already, without going out of our way to better the Nizam at our expense. He may, like us, reserve a portion of his revenue to meet the expense of the regular troops maintained on his account; and if there be a change, it should be to pay the cost of the contingent to us, and let us do the work cheaper if we can. It is not to be thought

of that the Nizam should in practice escape his engagements altogether, and that, instead of receiving military assistance from him, we should be constrained to maintain an army at our own expense to watch his insubordinate troops.

Pleasant position of petty native chiefs.

It will be seen how great is the number of petty states who enjoy territories and revenues and are protected by us, yet have from the beginning rendered nothing, or next to nothing, in return. It was always our policy to conciliate these feudatories. Nothing can be more agreeable than the position of a subordinate chief who manages his affairs so tolerably as not to render absolutely necessary the interference of the British Government. He has none of the obligations and embarrassments of the larger states, and but small necessary expenses; is much more independent and more absolute master of his territory than princes of greater dignity; and has, perhaps, a clear income of 50,000*l.* or 100,000*l.* per annum to do what he chooses with. It is an immense estate with an unlimited heritable jurisdiction. This is the only class of rulers in India who now-a-days make money; they often amass large sums. It is very pleasant for them, but a pity that they do not contribute something towards our expenses.

Summary of our political receipts and disbursements.

Altogether it appears that from native states, possessing a revenue of about 13,000,000*l.*, the British Government receives about 571,000*l.* per annum, and has more or less the command, when occasion requires, of about 22,800 contingent troops, while it has been seen that we pay about 1,486,284*l.* annually in political stipends, &c. Against the receipts must also be set the whole cost of the Residencies and political establishments of every kind, which must alone be quite equal to the sum received, and which is entirely defrayed by the British Government. So that

our political balance-sheet shows a result very much on the wrong side.

Besides, it is to be observed that there seems always to be a tendency to increase of disbursements and decrease (except when considerable lapses by death occur) of receipts. When a payment is once assigned, the faith of the British Government is considered pledged in perpetuity. No one ever admits that he has too much, but there are always many people who cry out that they have too little, and who sometimes succeed in proving it to be so. When, then, such new claimants start up, they must be separately provided for. For instance, one would think 160,000*l.* per annum a sufficient allowance for the representatives of a man who was made for a very few years nominal Governor of the province of Bengal under us. Yet it would seem that the *families of former Nawabs* are now separately and largely provided for by the British Government.

Tendency to increase of payments, and decrease of receipts.

Hence, these payments, which should be all more or less temporary, and should gradually diminish in the way of letting the former rulers down easy, seem to become rather more than less. And, on the other hand, tributes are never increased, but reductions occasionally occur, when in fact they ought to be gradually increased till they absorb the greater part of the available revenue. For instance, Jyepore was bound to pay eight lacs (which it paid to the Marattas before us) from a revenue of 40 lacs, with provision for a prospective increase. Although it has so large a revenue, it furnishes no contingent, and never paid up its tribute, because the Rajas preferred spending the money, and of course would not pay if they were not made to. The late British agent was an enthusiastic *admirer of Rajpoots*, and succeeded in getting the tribute reduced by half, on the ground that it never had been paid.

It would be more regular to notice our present mode of

political management as a department of the administration of Government; but as we have now mentioned all the states, their origin and obligations, it is more easy in this place briefly to touch on the subject, and in subsequent chapters I shall be enabled to confine myself to the civil administration of our own territories. Present political management.

I have classed the native states under the Governments in whose charge they are, that I might afterwards refer to the distribution. It will be seen that most of our important political relations are in immediate charge of the Supreme Government, while some of the minor states are under the subordinate Governments.

Under Government our relations with native states are intrusted to officers selected from either the civil or military services, variously denominated Residents, Governor-General's Agents, or Commissioners. There are Residents at the courts of the chief states, Hyderabad, Oude, Nepal, Nagpore, the Guickwar, &c. A very large portion of Central India is superintended by the Governor-General's Agent for Rajpootana, who has under him several subordinate agencies, and many states, great and small. The Resident at Indore (Holkar's capital), and the Agent for Bundlecund and the Saugor territories, have also charge of considerable circles, and there are many minor political agencies. The smaller detached states are generally in charge of the Commissioners of the adjoining British divisions. Each of the Residents and chief political Agents has two or three assistants. There are also several political Agents in charge of deposed princes. The higher political appointments are among the best paid in the service, and the work is generally of a lighter and more discretionary description than that of the appointments in our own provinces. At times there may be hard work and great responsibility, at other times little that is important—according to the Political officers.

character of the native administration for the time being. Generally speaking, there is more room for the exercise of patronage or for rewarding miscellaneous merit in the political department than in any other. In particular, two or three agencies with deposed princes are the nearest approach to sinecures in the Indian administration. Since Lord Ellenborough's time the great majority of political appointments have been held by military officers.

In practice we interfere beyond letter of stipulations.

It must be admitted that in our interference with the internal concerns of native states we do in practice go very much beyond the letter of original stipulations. In fact, excepting in the more recent arrangements, we seldom acquired by distinct treaty the right to intermeddle at all, and very often, especially in regard to all the states of Central India, it was provided that the princes should be "absolute" over their own subjects, and that British jurisdiction should never be introduced. But everything has shown the incompatibility of civil independence with military dependence, and the force of concurring circumstances has driven us to interfere till there has grown up a prescription which settles and authorizes the practice.

How this has come about.

The stipulations with some states gave a colour for interference. Then there was a large class of petty chiefs who were subordinate to the greater powers to whom we succeeded, and that superiority fairly gave us the right to interfere when necessary, even though it was not at first expressly so declared. Next, the provisions in so many of the treaties, that we should defend the native rulers against "*internal*" as well as external enemies, made it necessary to inquire into internal affairs—for we could hardly undertake to fight without inquiring what it was about. Again, wherever payments to us were stipulated by treaties, that gave us a right or a necessity of interfering to protect our own interests. And more than

everything else, mismanagement, disorganisation, disputed successions, minorities, rebellions, and revolutions, have been the causes of our intervention. Our power has always made contending parties court our influence.

Hence, whatever the original stipulation, there is, in fact, almost no state with the internal affairs of which we have not had something to do.

There is no uniform system, and it is impossible to give any definite explanation of what things we do meddle with, and what we do not. A great discretion always rests with the British Residents, and in each state a prescriptive custom seems to have grown up according to its circumstances, the personal characters of the native rulers and of the British Agents, and the accidents of each case. This prescription of custom is always the great rule in political residencies. Such a thing has been done before—such a thing has not been done—precedents are quoted—and a system has grown up like the practice in English courts of equity, founded not so much on law as on precedent.

A prescription has grown up in each case.

Generally speaking, in all quarrels with other states, complaints of British subjects, and such matters, the British Agents exercise an unqualified authority; but they do not, except in extreme cases, listen to complaints of subjects against their legitimate rulers, and in the general administration advice is oftener given in the choice of a minister than in the detail of particular measures.

General practice.

We have indirectly interfered, as far as was possible by personal influence of British agents, to put down suttee, infanticide, and such crimes abhorrent to our principles, but have never openly prohibited those practices (as the Mahommedans did) in virtue of our imperial supremacy and their inconsistency with our rule.

Degree of interference to put down practices abhorrent to our principles.

Indeed, in all our transactions with native states, however we may exercise real power, we have never yet in form assumed the imperial superiority of our predecessors. We still treat with small native states as in name our equals, and make little distinction between great princes, rebellious governors, and petty chiefs—as if all alike were absolute and unlimited sovereigns. Even when forcing measures upon them, we do it in the form of a treaty between two equal Governments, while many measures which *should* be forced upon them are not insisted upon because we only violate their independence in political necessities. This maintenance of forms long gone by is false in fact, inconvenient in practice, and disadvantageous in every way. It would be much better formally to assume the feudal superiority of India, and to interfere authoritatively in those things in which it is proper and expedient to interfere, and to leave untouched those things which are judged proper to be left to the inferior rulers. There would then be a uniform system and line of conduct, instead of all the periphrasis and inconvenience of forcing some things, obtaining some things by influence, and leaving some things done or undone which ought to be undone or done.

We have not in name and form assumed imperial superiority.

Inconvenience of not doing so.

Latterly something has been effected towards modifying or regulating, piece by piece, the customs and transit duties of native states, but many of them still retain a very inconvenient power in this respect.

Customs and transit duties in native states.

It is usual to demand from all states (except perhaps Nepal) the delivery of refugee criminals, but not of debtors or revenue defaulters.

As to internal government of their own dominions, whether we have left it alone, or whether we have advised, we seem in all the larger states to have been equally unsuccessful in obtaining any favourable result. We have

on many occasions assumed for a time almost entire charge of several states during minorities, interregnums, &c., and have restored them to be again mismanaged.

General effect of our political system in regard to native states.

The system of protected native governments then works excessively ill. There is nothing so bad as power without responsibility, and that is the condition of the native states. If left to themselves, they would feel that they must stand or fall on their own merits and success. As it is, they have nothing to keep them straight. Even when we have the right to give advice, it is much more easy to give it than to get any one to take it. Our right of interference with Oude seems to be exercised to very little good purpose. The King has no considerable military force, and we have no apprehension on that score. The evil of his government is to the people of the country and to the revenues of India. We have less ground for interference in the internal affairs of the Nizam than of almost any other state; and while he has permitted the contingent to fall into arrears, he has been keeping up that large and noxious army of mercenary irregular troops of which we hear so much, and which may give us much trouble. In several of the principal states we have, by late treaties, a large right of interference; but the government in native form, where real native responsibility is wanting, must always, except in some peculiar remote and unproductive districts, be expensive, inconvenient, and injurious. And above all we cannot too continually bear in mind that, for every act of superfluous generosity to the accident of an accident assuming the character of a prince, we must tax many millions of our inferior subjects, and that we should be just before we are generous.

Right of succession to lapses.

One right of lord paramount we have unequivocally established—that of succeeding to the estates of princes who die without legitimate heirs; yet that right has not always been exercised. In former

times, when it was the policy of the Government to maintain and even to create subsidiary states, heirs were generally found or created; but latterly, better understanding our position, we have been more inclined to insist on our rights. It is indeed only in this way that we can hope gradually to extinguish the native states, which consume so large a portion of the revenues of the country, of which we bear the expenses, and so prevent us from lightening the burdens and improving the condition of the mass of the people.

Adoptions by native princes.

Connected with this right of succession to lapses was the long-disputed question of adoptions; for of course the ministers and people about a native court were altogether unwilling that it should cease to exist; and when heirs were likely to fail, they had begun to make a practice of procuring the adoption, by the dying prince or his widow, of a small boy as heir; and it was one of the inconveniences of our choosing to retain the name of allies, when we were in fact the legitimate superiors, that they had some ground for saying that it was no business of ours who was adopted, or whether they adopted or no. On the other hand, it was perfectly clear that we, as *in fact* the superiors, and possessed of a reversionary interest, had a right to be consulted. The proprietor of an entailed estate cannot adopt an heir to the exclusion of the next in succession; and it seems to be now very properly settled that adoptions shall not be permitted without our consent. The decision of the Indian Government in the Sattara case has been formally sanctioned at home, and I hope that the question is finally set at rest.

Debts of native princes.

There is another question of importance with regard to our right to lapses, escheats, and forfeitures. So long as native princes are masters of their own revenues, their getting into debt is their own

concern; and formerly they did not do so *very* largely, because no one would trust them to a very large amount, and those who advanced money did so on the mere personal credit of the native Government, and in the hope of being shortly repaid by assignments on the ensuing instalments of revenue. But finding how particular we are on these points, money-lenders become less scrupulous and lend more largely; and the question arises, what if we find territory thrown on our hands subject to overwhelming debts? I have seen much of these claims on a small scale. Whenever a petty territory lapses, all kinds of people start up alleging claims on the late ruler; and there never has been any general declaration whether these are to be considered good as against the territory, or personal to the former possessor. Hitherto a discretion has been used in each case, but it would be well to declare some rule publicly. For instance, it is all very well just now if the Nizam borrows money to pay his debt to us; but if he still spends as before, and in the end gets so much involved that he cannot pay, and his territory is thrown on our hands, we shall have all the creditors upon us. States in the position of these protected rulers are much better without the power of getting into debt; and we should declare, once for all, that we shall never be liable when the territory in any way lapses to us. The princes would then be compelled to curtail their expenses, or throw up their territory. They cannot both spend the money themselves and pay to us our just dues.

CHAPTER V.

ON THE HISTORY AND PROGRESS OF OUR INTERNAL GOVERNMENT.

First government of Company's settlements — Clive — Hastings — Lord Cornwallis — Sir J. Shore — Lord Wellesley — Lord Hastings — Monro — Elphinstone — Lord W. Bentinck — Act of 1834 — Its requirements and their execution — Improvements independent of the Act — Sir C. Metcalfe — Lord Auckland — Lord Ellenborough — Sir C. Napier's government of Scinde — Lord Hardinge — Lord Dalhousie — Freedom from domestic disturbance — Europeans in India — European capital — Products and manufactures — Commerce — Ecclesiastical establishments — Missions.

IN my preface I have remarked on the historical want in this branch of Indian history, and it is not for me to attempt to supply it. In the present chapter I merely wish to mark, in very short compass and naked form, some of the leading circumstances of our civil progress, which are necessary to explain and connect what follows. I shall do so as briefly as possible.

First government of the Company's settlements.

When the English in India were merely a trading company possessing a few small settlements, both the trade and the settlements were regulated by a President and Council at each station, who exercised certain judicial and other authority within their own limits. Bombay, being the chief place, was at first vested with authority over the others; but subsequently Calcutta and Madras were erected into independent "Presidencies," to receive orders direct from home, and the three presidencies seem to have been quite independent of one another. The President was but the chairman of the Council with a casting vote.

In 1726, at the request of the Company, a Mayor's

Court was established at Calcutta for the better maintenance of order and administration of justice within the settlement; and in 1753 that court was converted into a Court of Record with superior powers.

The affairs of the Company were conducted by their servants sent out from England under covenants of service, and the Councils were filled from the list of these servants. They were wretchedly ill paid—received in fact mere nominal pay, but were permitted to trade (under certain restrictions) on their own account, and to receive presents.

Clive was President of Bengal, but did not attempt to take the detail of administration into his own hands. It remained with the Mahommedan Governor, and in native form, under European supervision. One reform Clive attempted—that of regulating the allowances of the Company's European servants. He could not openly pay them well from the Company's cash, but he tried to get rid of the evil and abuse of private speculation and extortion by monopolising the sale of salt, dividing the proceeds in fixed proportions, and prohibiting other irregular gains. This was the commencement of our salt-tax; but the arrangement was discontinued under orders from home. Salt seems to have remained free for some years, and the Company's servants relaxed into the former system.

Clive.

Warren Hastings was in 1772 appointed President of Bengal. He assumed the direct management of Bengal, Bahar, and Orissa, and was the father of our civil system. But as during the greater part of his government he held office under a new Act of Parliament, I shall notice that change first. By the Regulating Act of 1773 there was to be a Governor-General and Council of Bengal, with power to make local regulations and authority over the other

Warren Hastings President of Bengal.

Regulating Act, 1773.

presidencies. Each presidency carried on its own affairs separately, but Madras and Bombay were subject to the general control of, and liable to receive orders from, Bengal. In council the Governor-General had no more than a casting vote, but the executive function was vested in him.

The Supreme Court.

A crown court of judicature, styled the Supreme Court, was at the same time established in Calcutta, with very large powers independent of the Company.

It had a local jurisdiction over the town of Calcutta, and a personal jurisdiction over all European subjects of the Crown in India and over all servants of the Company. No local regulations of the Government had force till registered in the Supreme Court. It was, in fact, in the first instance, intended as a check on the Company and its servants.

Warren Hastings, a servant of the Company, was the first Governor-General, and counsellors were appointed from England who did not belong to the Company's service.

Errors of the Regulating Act.

Several errors of the Regulating Act soon became apparent. The Government and the Supreme Court clashed together, and almost went to war, the Court attempting indefinitely to extend its jurisdiction to the destruction of all government. The members of Council disagreeing, and the Governor-General being in a minority, the machine of Government was clogged and almost stopped. The line between the superior and subordinate presidencies being ill-defined, differences arose, and the Madras Government refused to obey that of Bengal.

To remedy these evils some changes were made. In 1781 an Act of Parliament was passed to restrain the Supreme Court. The Governor-General and Council, all matters of revenue, farmers, landowners, native servants of the Company, and

Act restraining the Supreme Court.

all judicial officers, for acts done in their official capacity, were exempted from its jurisdiction. To save recurrence, I may here mention that by these enactments the jurisdiction of the Supreme Court is for the most part still regulated, and that similar courts were subsequently established at Madras and Bombay.

Further provisions of the legislature.

By Acts of 1784 and 1786 the Governor-General was empowered to act in certain cases without the concurrence of his Council; the presidencies of Madras and Bombay were made regular governments under governors and councils, with power of regulating their own concerns, but subject to a more complete control by the superior Government, which had the power of suspending the other Governors. All vacancies were to be filled up from the covenanted servants of the Company, but the offices of Governor-General and Governor were excepted.

Lord Macartney had been in 1781 appointed Governor of Madras, and was the first instance of a Governor not of the Company's service.

Warren Hastings Governor-General.

Warren Hastings was Governor-General from 1774 till 1785. We had then no experience of Indian administration; the Company's servants were, for the most part, those sent out for commercial duties, and quite inadequately paid; and Hastings had very limited powers and met with every possible obstruction and opposition from the Counsellors and the Supreme Court; so that he had a very difficult task; but he seems to have held wonderfully just views, and to have done as much to introduce an efficient administration as was possible under the circumstances.

His measures.

The country was divided into districts, in each of which a European functionary presided, and was vested with powers in all departments, fiscal, magisterial, and judicial. In the departments of revenue

and civil justice he was assisted by a native Diwan and establishment, and was empowered to refer petty civil suits to Zemeendars and head-farmers. In the criminal department he exercised a general supervision as magistrate over the district Zemeendars (who were intrusted with police powers), to see that they did their duty and that criminals were properly tried. Criminal trials were conducted by Mahommedan law officers, and according to Mahommedan law.

At the Presidency the Governor-General and members of Council formed a board of revenue and chief court of justice to superintend the whole. They had a native establishment to assist them in revenue matters and in civil suits, and there was a native chief criminal court, the working of which they superintended.

Regulations for the guidance of the officers employed were printed and promulgated, which, says the fifth Report, "manifest a diligence of research and a desire to improve the condition of the inhabitants by abolishing many grievous imposts and prohibiting many injurious practices which had prevailed under the native Government." All these arrangements were carried out under the personal superintendence of Hastings himself. But the system first tried, which was undoubtedly better than those which immediately followed it, did not at first succeed as hoped for. Perhaps the officers employed had not then sufficient experience for the duties. His many burdens were too much for the Governor-General.

The following changes were therefore made:—

The superintendence of criminal justice was moved back to Moorshedabad, the residence of the representative of the former nominal Mahommedan Governor, and was placed under a native superintendent; and to each district was appointed a native magistrate, with a regular police establishment.

The European superintendents of districts were recalled, and the detail of revenue and civil justice was again intrusted to natives; but, for their better superintendence, six provincial councils were established in different parts of the country.

This system, however, succeeded worse than the other, and in 1781 it was arranged as follows:—

A separate board of revenue was appointed at Calcutta, apart from the Government, and also a separate superior court, under Sir Elijah Impey.

The provincial councils were withdrawn, and single European collectors were charged with the revenue management, while separate European officers were nominated to the combined office of "Judge and Magistrate" in each district, and superintended the administration of civil justice and the police; but the Mahommedan law officers were still the criminal judges.

Under orders from home the functions of the superior court of civil justice were again shortly after transferred to Government.

At this time Benares remained under the management of a great Zemeendar, who merely paid a stipulated revenue.

The administration of civil justice in Hastings' time seems to have been chiefly carried on by the aid of the indigenous institutions which he found in existence. There was no sufficient machinery for a formal hearing and decision on each case, and the great majority of petty suits were decided by a reference to arbitration, under the general superintendence of the judicial functionaries.

To the settlement of the land revenue Hastings gave much attention, and he made great efforts to acquire information; but the subject was not one to be mastered in a day or in a few years, and the great famine of 177[illegible] immediately preceded his administration. He had

machinery or the information necessary to enter into detailed settlements, and was obliged to make, from time to time, such arrangements as he could with Zemeendars, farmers, and others. These arrangements were for short terms, as preparatory to more satisfactory settlements on better information. But under them the revenue fluctuated considerably.

The passage already quoted from the fifth Report bears testimony to Hastings' improvements in the branch of miscellaneous imposts. Many of these he abolished or modified, while he taxed salt for public revenue, and, consolidating the sources of income, commenced the system since fully acted on.

In Hastings' time various prohibitory orders were passed to restrain the Company's servants from the receipt of presents, from private trading, and irregular gains; but they were insufficient, because there was no adequate legitimate remuneration. Many men, however, seem by practice to have attained great expertness and ability in administrative duties.

Management at Madras.

During this period, and for some time after, the northern Circars were managed under the Madras Government by the provincial councils stationed along the coast for commercial purposes, who merely supervised Zemeendars and farmers intrusted with general authority. The management seems to have been bad, and the Madras functionaries acquired little administrative knowledge or aptitude.

Lord Cornwallis.

In 1786, Lord Cornwallis being appointed Governor-General and Commander-in-Chief, the first place in India was thus for the first time held by an English statesman of personal and political weight, invested by the Act of 1784 with immense powers, only exceeding those exercised by his predecessors. His position was very different from that of Warren

Hastings before the passing of the Act of 1784; and his reign was an important era. The Government was then established in much of its present form, and the institutions and arrangements still existing in India to a great degree take their character from the reign of Cornwallis.

His measures.

He paid great attention to internal affairs, and, if his arrangements were not always judicious, they were certainly well intended. He had, at any rate, one great merit, that of securing a pure and good tone among the servants of Government. The salaries were increased to a sufficient scale, and, a vigilant supervision being exercised, the old corrupt practices in a very short time entirely disappeared; the other extreme was reached, and a purity was attained such as is not common in European countries. Most appointments were paid by fixed salaries, and where fees or commission were in some instances permitted, abuse was strictly guarded against.

The instructions given to Lord Cornwallis were—to put the revenue on a regular and permanent footing, and in the administration of justice to conform rather to "subsisting manners and usages of the people than to abstract theories." Of these instructions he overdid the one and altogether reversed the other.

He had been desired to unite again in the same officers fiscal and judicial functions, as being the method best in practice and most suited to the manners of the country, as "tending to simplicity, energy, justice, and economy," and they remained so united for some years. In 1790 the administration of criminal justice was finally assumed by the British Government, assisted by Mahommedan lawyers. The Governor-General and members of Council were the superior court, cases in the provinces were tried by courts of circuit, and the magistrates exercised summary jurisdiction in petty cases.

His judicial system.

Towards the end of his reign Lord Cornwallis completed the system which still, for the most part, prevails in the provinces where he introduced it. He separated entirely judicial from revenue duties, and made the latter subordinate to the former, since the collector was liable to be sued for all his acts before the judge. He established a regular police and a highly artificial and technical system of judicial procedure, by which, in supercession of all native institutions and usages, every suit was to be decided after the model of the most artificial and technical of English legal proceedings of that day.

His permanent settlement.

He fixed in perpetuity the land revenue to be paid to Government, gave to one class (that of the district Zemeendars) absolute rights of property in the soil, corresponding to those of English landlords, and rejected, on the part of Government, all future information or means of information, and all administrative concern whatsoever in landed interests. He did all this in the greatest ignorance of landed tenures, and of the capabilities and every other particular regarding the estates; and it is not to be wondered at that the result was inequality and injustice. Altogether, his arrangements were such as seemed equitable and moderate to European ears, but were in reality injurious both to the people and to the Government. The fact is, that he dealt well with Europeans because he understood them, but excessively ill with natives because he did not understand them.

The revenue and judicial arrangements of Lord Cornwallis will be more particularly explained in the chapters on those subjects.

ulations.

In 1793, before his departure from India, he published a series of regulations, forming a kind of code for the Bengal Presidency, superseding regulations, and fully setting forth the principles

of his Government. These are now the first on the Indian statute-book, and remain in force unless altered by subsequent enactments: the greater part still subsist to the present day. A regular series of regulations was henceforth published, and the acts of Government and of all functionaries were regulated by these published laws, and were liable to be judicially called in question for their violation or misconstruction.

Sir J. Shore.

Lord Cornwallis was succeeded by Sir J. Shore, the last of the Company's servants who has been appointed Governor-General. Though he had been wisely opposed to some of his predecessor's most important measures, he had principally managed their detail, and now did what he could to carry them out and give them a fair trial. In 1794 Benares was taken under direct management, an estate being left to the Zemeendar as a provision. The Bengal system was immediately introduced. Considerable improvements were also at this time effected in the Madras territories. The cessions of Tippoo having been in 1792 added to that Presidency, and the previous territory having been mismanaged by the commercial servants, trial was made in the new acquisitions of military officers who had gained some experience of native language and manners, and they seem to have succeeded wonderfully well.

Management of Benares assumed.

Lord Wellesley.

Under Lord Wellesley our territories were largely increased. He does not seem to have originated much in the system of domestic management, and altogether in *internal* affairs I should say that he was not a great Governor-General. He principally followed in the footsteps of Lord Cornwallis. He was probably too much engaged in warlike and p[illegible] schemes. The tone and conduct of the Compa[illegible] vants, which Lord Cornwallis had put on so goo[illegible]

was still further improved by Lord Wellesley. He set up a college in Calcutta to perfect the education of the younger civil servants. It did not long fulfil its original object, was out of place in India, and subsequently degenerated to be worse than useless; but it probably led to the college of Haileybury, soon after much more properly established at home, and which has been of great use.

Colleges of Calcutta and Haileybury.

A great mass of experience was now rapidly acquired, and the service, losing altogether its commercial character, assumed a higher position.

It may be remarked that from Lord Cornwallis's time to that of Lord William Bentinck there was a sort of minimum of the employment of natives in superior offices—the old native officials being done away with, and a new class suited to our system not having yet sprung up. They were of course employed in the inferior and ministerial appointments, but (with few exceptions) in no higher grade.

Non-employment of natives.

The Cornwallis system appeared to advantage at first. There were considerable immediate good effects, and the evils were only gradually developed. In 1802 regulations founded on those of Bengal were enacted at Madras, and a little later the Government were anxious to force the same system on the newly acquired north-west provinces, for the settlement of which a commission was appointed. The judicial system was, indeed, introduced throughout, and chief courts of justice separate from the Government were finally established. But the revenue system was not made uniform. Doubts were soon suggested as to the excellence of the Cornwallis mode of settlement.

Extension of the Cornwallis system.

It was found that loss of revenue was occasioned, the people alienated, frauds and perjuries encouraged, and the courts obstructed by a mass of suits, for the disposal of

which there was no sufficient machinery. Strong remonstrances came from Madras and the north west provinces, and, ultimately, positive instructions to change the system arrived from home in time to prevent the further progress of the system. This took place under Lord Minto.

Doubts regarding it, and orders for change of system.

Lord Hastings' reign, from 1813 to 1823, was important. Much new territory was acquired; and what was called the "regulation system" being now thoroughly distrusted, many new provinces were then and have been since exempted from the operation of the code of regulations (now called "Non-Regulation Provinces"), and reserved for administration under more simple and natural instructions of the executive Government, probably with the view of eventually obtaining a good code generally applicable to all our territories, for which we still wait in vain. Orders were also received from home for changing and simplifying the judicial system; and under Lord Hastings a considerable movement was made towards improving the judicial machinery by the introduction of native agency, but the foundation of the Bengal system still remained the same. An improved revenue system was devised for the north-west provinces by Mr. Holt Mackenzie. Two great men, Monro and Elphinstone, were made Governors of Madras and Bombay. Monro very much changed the system at Madras — introduced the "Ryctwar" revenue management, which will be afterwards explained — and attempted a new mode of judicial administration. Elphinstone did much to introduce system in Bombay, which was principally composed of entirely new acquisitions, a[s] would doubtless have succeeded if he had remain[ed] enough; but it requires a great many years t[o] good system in new territories. In 1827, t[he]

Lord Hastings.

Monro.

Elphinstone.

of Elphinstone's government, was published the Bombay code of regulations in all departments, which is the most systematic yet attempted in India. The Law Commission attributes crudeness to the Bombay criminal code, and it could hardly be otherwise when examined by lawyers; but it must have been a great advantage to have any attempt at system and condensation of rules. It would only seem that Elphinstone was too indulgent, and permitted too many alienations of the revenue, too many claims to hereditary offices, &c., to leave a paying revenue at Bombay.

The Bombay judicial code is for the most part founded on that promulgated in the other presidencies, but seems to contain several improvements, besides an entirely new criminal code which got rid of the Mahommedan law altogether. Elphinstone's minutes seem to show that he was entirely favourable to the principles of the revenue system now followed in Northern India, but the question was then one on which men's minds were not made up, and no settlement of Bombay was completed during his government.

Lord William Bentinck, during his incumbency as Governor-General, introduced great improvements. He required more and attained greater efficiency from the servants of Government than any previous administration. The last remnants of emoluments in the shape of fees or commissions were swept away, and there remained nothing but fixed salaries for fixed and substantial duties regularly exacted. Merit was more than formerly considered in promotion. The employment of natives much more generally, and on a much improved footing, was now at last practicable. A class had sprung up in the inferior offices quite competent for promotion, and abundant opportunity was

Lord W. Bentinck.

opened to them. As judges in the civil courts, almost all original jurisdiction was intrusted to them; and the arrears and impediments to obtaining a decision heretofore existing were thus altogether remedied. As deputy collectors, they were employed to assist the collectors; and by their aid the Governor-General was enabled to put in active train the revenue settlement of the north-west provinces, the scheme of which was devised in Lord Hastings' time, but not carried out—perfected and put in operation by Lord W. Bentinck, and carried on to completion under his successors. For the further improvement of the natives, great educational establishments were at this time founded. The offices of magistrate and collector had been united in Madras and Bombay, and the same plan was adopted in the north-west provinces—one functionary thus uniting all executive duties, while the judge remained a purely judicial officer with extended powers. In Bengal Proper this union was not effected, but the offices of judge and magistrate being disunited, judge, magistrate, and collector became three separate officers.

A peculiar detective police was also organized to act against associated professional murderers and robbers. Local transit duties and such imposts having been found impolitic, measures were taken for their mitigation and abolition.

The Supreme Court of Bombay, like that of former days in Calcutta, at this time made a grand effort to increase its jurisdiction in the face of all law, and went to war with the Government—a state of things only put an end to by the decision of the home authorities, and th ejection of an offending judge.

Hitherto, although European British subjects wer empt from the jurisdiction of the ordinary tribunal

country, injurious and seditious practices could be summarily met by deportation. The press, too, was subject to a censorship, and under considerable restrictions.

The "Regulations" of the three separate Presidencies were entirely separate and distinct; and though they were subject to a general control, there was a great want of uniformity of form and system, which has not been completely remedied to the present day.

Act under which India is governed from 1834 to 1854.

In 1834 came into effect the new Act of Parliament under which India is governed till 30th April, 1854; and as we are chiefly concerned to look to its results, I shall here recapitulate its principal requirements, and note how far they have been fulfilled. As I shall afterwards detail the present Government—being that established by the Act—I shall merely say that all legislative and financial powers were taken from the minor Presidencies and vested in the Governor-General and Supreme Council of India—to whom was given unlimited power to make laws binding on all persons and courts of justice, with certain small limitations. The Indian laws are from this time called no longer "Regulations," but "Acts."

Requirements of the Act.

The following are the most notable requirements of the Act of Parliament to be executed in India:—

1. A new Presidency to be established at Agra.

2. As it is expedient that a general system of judicial establishment and police should be formed, to which all persons, European and native, may be subject, and that the laws and customs should be consolidated, and new laws, where necessary, enacted, a law commission, not exceeding nine members, shall be appointed by the Governor-General under instructions from home, to carry out the object.

3. Europeans, subjects of her Majesty, may freely pro-

ceed to, and reside in, India, within certain limits, and hold lands and engage in all other lawful dealings; but the Governor-General, in council, shall, and is hereby required to provide, with all convenient speed, for the protection of the natives of the said territories from insult and outrage in their persons, religions, or opinions.

4. No person shall, by reason only of his religion, place of birth, descent, or colour, be disabled from holding any office, place, or employment.

5. The Governor-General in council is to take measures for mitigating and extinguishing slavery as soon as possible.

Now, as to the execution:—

Their execution.

1. The Court of Directors, being empowered by a subsequent Act to suspend the provision for the Agra Presidency, have suspended it, and substituted a Lieutenant-Governor appointed by the Governor-General, and exercising the power of Government in simpler and cheaper forms.

For all purposes of civil government the object of establishing a fourth Presidency has thus

2. A law commi
number of
in the

peans subject to the most ordinary checks required to keep any men in order. They are a privileged class, amenable in criminal matters only to the Supreme Court, however many hundred miles distant, and licensed to outrage and insult with impunity the natives and the tribunals and Government of the country, and to hire their services to seditious and malcontent persons. Already have several individuals made a trade of getting up native grievances for pay and profit. Europeans have however been made subject to the civil courts in civil causes.

4. This provision was a mere flourish of trumpets, and of no practical effect whatsoever as far as the natives are concerned. No one ever was excluded from office by reason only of religion, place of birth, descent, or colour, under a government in this respect the most liberal in the world. Lord William Bentinck had already commenced a much more general employment of natives in important offices, and they have now a very much larger field than formerly; but this legislative provision had nothing on [illegible] in no way broke down the distinc- [illegible] ovenanted servants [illegible] s filled in [illegible] tians

These then are the improvements specially provided for by Act of Parliament. In other matters the principal advances in our older territories during the last twenty years have been those originated by Lord William Bentinck.

Improvements since the Act other than those specially required by the legislature.

The judicial machinery has been brought into perfect working order; there are no longer *exterior* obstacles, and all present evil is that of the system, not of its execution. It has had the fairest trial.

Judicial and revenue improvements.

Our land-revenue system has been in many respects much improved, and especially in fully carrying out the settlement of the north-west provinces we have really attained a good knowledge of tenures and their management, and have at last seen light towards a satisfactory conclusion of the subject.

In other branches of revenue the movement towards the abolition of vexatious, impolitic, and unproductive imposts bequeathed to us by former native governments (transit duties, taxes on professions, and such like) has been fully carried out in the greater part of our dominions, and an increased revenue has been obtained from the consolidated sources of opium, salt, sea customs, excise, and stamps. Almost all restrictions and interference with trade, commerce, and the free employment of labour, may in fact be said to have ceased.

The educational institutions for teaching to natives the higher branches of learning have amply demonstrated their aptness to acquire the useful sciences; and in particular I may quote, as an example of what they are capable, their proficiency in medicine, in which native students have shown themselves no whit inferior to Europeans.

Educational advances.

I cannot, however, attribute to normal educational methods established by us, but rather to a spontaneous engraf

indigenous education—to the supply created by the demand—the greatly increased quantity and quality of the native agency now available for the service of Government, and which has enabled us of late years so largely to avail ourselves of their services in all departments and in a superior grade of office. An education of this kind has not been furnished in the chief Government schools. And little has been done towards educating the masses, or encouraging and improving indigenous schools. It is only in the last few years that the present Lieutenant-Governor of the north-west provinces has adopted that system.

Even in the higher branches, and among the higher classes, the medical alumni are almost the only practical fruit of our education. A college of civil engineering has lately been established in the north-west provinces; but generally speaking the useful objects of Government colleges have been sadly perverted. A great many young Hindoos have been taught Milton, and made proficient in literature, which they will never appreciate, but few have learnt the practical science for which their genius so eminently fits them.

Sattee and such things no longer tolerated.

Sattee, and the open perpetration of acts abhorrent to our notions of right, have entirely ceased in our own territories, and we have at last disconnected Government from all native religious institutions almost as completely as it has always been disconnected from any patronage of the Christian religion.

Partial improvements of the law.

Although no general consolidation or change in our laws has been effected, a good deal has from time to time been done in legislating for particular points as they arose, and some attempt has lately been made to restrain the most glaring violations of the law on the part of the Supreme Court, and to correct

so much so, that at the close of his reign hardly one single civilian, and very few military men of any civil or political experience, remained in those appointments. Colonels, who had exhibited coolness under fire, and had made notable remarks about the polish of their boots in the middle of the Khyber Pass, were, by the Imperial will, taken from their regiments and put in charge of the most important civil and political affairs, and dashing young Herculeses rose with the rapidity peculiar to Oriental sovereignties. But in the regular branch of the service, where his choice was limited, it must be admitted that Lord Ellenborough made some very good selections for promotion; and, in particular, he had the merit of giving to the north-west provinces the present admirable Lieutenant-Governor at an age unprecedentedly early, and when he was yet capable of doing long and good service.

Under Lord Ellenborough was opened to the natives the useful office of Deputy Magistrate, which had not existed before.

By Act VII. of 1843 the Madras judicial system was very much assimilated to that of Bengal.

The Government of Scinde.

His acquisition of Scinde Lord Ellenborough intrusted to the government of Sir Charles Napier. Now that famous personage is very distinguished in his own way, and would have been a capital commandant of a military police to repel the hill marauders; but that he, an officer of the army, inexperienced in civil affairs, utterly ignorant of the people, the language, the manners, and the institutions of India, should understand civil management—should be fully equal to that in which Monro, after a life of labour, declared that we were yet but feeling and groping our way—would have been nothing less than a miracle. There have arisen among us heaven-born generals, but never heaven-born collectors. Scinde was a most difficult country, disorganized by invasion and

misrule, the landed tenures in confusion, the people poor and ill doing, the land out of cultivation, the revenue system most vicious, and all judicial and other institutions wanting. It was the most difficult field for the most skilful and able administrator to be found. It was then hardly to be expected that Sir Charles should succeed, nor a matter of blame to him that he could not; but he himself had no such misgivings. The Company's servants were corrupt, the Company's system vicious. He would show them a model province. The native language, and the information to be gained through its medium, he held in contempt; but he had, as confidential adviser and prime minister, a native Moonshee who spoke English, and with that assistance he considered himself perfectly master of his subject. He therefore intrusted very little discretion to his subordinates, and caused all kinds of details, revenue, judicial, and everything else, to be submitted for his orders. Military officers were appointed collectors of districts, and under them the old native system was in full force. The revenue was collected in kind, and sold for the benefit of Government. Various officers were nominated as magistrates, under magniloquent quasi-parchment commissions, such as were heretofore unknown in benighted India, setting forth, in terms somewhat as follows, that "We, Charles Napier, Governor of Scinde, &c. &c. &c., by virtue of the power in us vested, do constitute and appoint our trusty John Smith a magistrate in Scinde," and so on. At the same time efficient but very expensive military police corps were organized; and there was a camel baggage corps which was to move to musical signals, and would have been very efficient too if the camels had not, most unexpectedly and perversely, proved themselves to be unmusical animals. As it was, the corps turned out to be a scheme for carrying the minimum of baggage at the maximum of expense.

The result of Sir Charles's government was as great freedom from external invasion as was possible in so exposed a country; but in the civil administration no system at all—merely the arbitrary rule of the Governor, under which were frightful abuses of native officials, small receipts, great expenses, and a dreadful deficit to be defrayed by bills on Calcutta and Bombay. I may as well here anticipate a little to finish the history of Scinde. When Sir Charles retired, the Supreme Government, keenly alive to the evils of his administration, attached it to Bombay, and desired the Bombay Government to send a civil commissioner. They deputed their secretary, a grave, ancient, and most experienced civilian, great in red tape and the secretary's office, but not much accustomed to roughing it. His dismay on arriving, and finding the state of things, may be conceived—so much not only to do, but to undo, before he could get into the regular business ways to which he was accustomed. The result was, that, although the revenue has somewhat improved, and the expenses diminished, no efficient civil system was yet effected. The Commissioner resigned, and there has now been sent to fill the office a man unprecedentedly young in the service, but distinguished by his management of the lately lapsed territory of Sattara. What he will effect remains to be seen.

Lord Hardinge's administration.

From 1844 to the end of 1847, under Lord Hardinge's government, the attention of the Governor-General was necessarily principally occupied by the important military and political arrangements in which he was engaged, and there were few important changes in civil matters; but the administration was steadily and efficiently carried on, and the confidence in the discretion, justice, and impartiality of the Government, so sorely shaken by Lord Ellenborough, was fully repaired. The system of administration established in our then

newly-acquired territory was, for the most part, the model of that afterwards extended throughout the Punjab. Lord Hardinge distinguished himself by a declaration, for the encouragement of education in the Government colleges, that proficiency should lead to employment in the service of Government; which has not been and cannot be carried out, simply because a business education is not given in those colleges, and the efficient service of Government cannot be sacrificed to the gratification of literary fancies. A young Hindoo may know Milton by heart, and yet not be fit for the charge of a police station.

Lord Dalhousie's administration.

From the commencement of his reign, in the beginning of 1848, till the Punjab was settled in 1849, Lord Dalhousie had most anxious political occupation, and since the termination of the war he has been constantly separated from his legislative council: as regards the general government of India, he has, therefore, laboured under great disadvantage; but he has established and worked under his own eye a system of administration in our new territories which I shall presently explain, and under which they have been unprecedentedly quiet and contented, and are exceedingly prosperous. He has also particularly addressed himself to local improvements in the Presidency towns and in the supreme courts.

Various municipal acts have been passed, police abuses inquired into and reformed, embezzlements and malversations by officers holding by appointment of her Majesty's judges guarded against,* and some laws made to restrain

* For it has turned out that, while the Supreme Court was in the first instance established to guard against abuses by the servants of the Company, no one had ever guarded against abuses by the Supreme Court and its servants. Not only was jurisdiction unlawfully usurped, and official emoluments and perquisites raised to an exaggerated amount, but private were added to public occupations, private speculations to public gains, and public funds were applied to private purposes.

the usurped jurisdiction of the Supreme Court, as far as it can be bound by any law.

Several changes have been effected in the criminal law, and the Legislative Council is understood to be now making efforts to complete a new code, to which all—Europeans and natives—may be subjected. Natives changing their religion have been exempted from the operation of their religious laws, and liberty of conscience is thus established. Public works (especially the Ganges Canal) have been steadily advanced.

Commissioners have been appointed to inquire into, with a view to improvement, the Post-Office, the Commissariat, the department of Public Works. The finances have been brought into a healthy state.

Governors of Madras and Bombay.

Since the last parliamentary review there have been few Governors of Madras and Bombay of remarkable experience in civil (as distinguished from political) affairs, and the principal general changes have been those already noticed.

The following have been Governors:—

MADRAS.

Major-General SIR FREDERICK ADAM, of the Royal Army, and of colonial experience, 1832 to 1837.

LORD ELPHINSTONE, 1837 to 1842.

MARQUIS of TWEEDDALE, 1842 to 1847.

SIR HENRY POTTINGER, of the Company's army, and distinguished by *political* services, 1848.

BOMBAY.

EARL of CLARE, 1831 to 1835.

SIR ROBERT GRANT, 1835 to 1838.

SIR J. RIVETT CARNAC, of the Company's military service and the East Indian Direction, 1839 to 1841.

SIR GEORGE ARTHUR, 1842 to 1846.

SIR GEORGE CLERK, of the Company's civil service, and of distinguished *political* experience, 1847 to 1849.
LORD FALKLAND, 1849.

Lieutenant-Governors of Agra.

From 1835 to 1842 there were several Lieutenant-Governors of Agra. At one time different members of council were successively sent up to do the duty, and the Governor-General sometimes took charge when in the upper provinces. But Mr. Thomason, of the civil service, and of constant *civil* experience, was nominated in 1843, and still holds the appointment. To him is due an improved executive administration, such as we have never had elsewhere in India.

Its details will be noticed in detailing the different departments. Here I need only say that by personal supervision he has very much increased the efficiency of all officers, European and native, introduced method and energy in all departments, completed and worked to the best advantage the new settlement of the north-western provinces, defined and explained the rights of different parties in the soil, improved the efficiency of the police, done what was in his power to make the most of a vicious judicial system, applied himself to the vernacular education of the masses of the natives, and given to the upper classes opportunities of acquiring practical science, carried out important public works, made good roads and canals, rendered travelling easy and secure, regulated the mode of procuring supplies and carriage for troops, and superintended with personal knowledge and personal energy all the minute details of civil government only understood by those who have made it a profession.

Absence of domestic rebellion or disturbance.

A remarkable feature in the history of our internal government in India is the absence of rebellion or serious disturbance in all the provinces subject to our direct rule. From our first acquisition of territory to the present day there has been

nowhere any general rising or struggle for independence of any kind. The former Government once overcome, and an equitable system of administration introduced, there has been no disposition to resistance, the people have at once acquiesced in the change of masters.

At first, before our system was well known, there was occasional resistance to the payment of revenue, in the hope of obtaining better terms, after the practice which had long been common under native Governments in the decline of the empire, when the mode of seeking an abatement of rent was by pointing guns at the collector; and in the beginning of the present century strong Rajpoot clans or great Zemeendars sometimes rendered necessary a show of force. But we are now so well understood that even the semblance of force is altogether dispensed with; and on acquiring new territories, filled with a population constantly accustomed to resist the native Government, we hardly ever find it necessary to use a soldier or a musket. The people at once betake themselves to other weapons; come to the functionaries of the British Government, appeal to its justice and moderation, and expend a large amount of flattery in representing the excessive payments formerly exacted, and their confidence of reduced rents under our rule. In all our new territory, from the Jumna to the Indus, I believe that not a musket has been fired in exacting revenue or in the civil administration of the country.

The few local disturbances which have occurred in our territories have not been of sufficient importance to call for notice in the short sketch which I have given. The nearest approach to positive rebellion was in the town of Barreilly, where the inhabitants rose in opposition to the unaccustomed privilege of taxing themselves for watchmen and local purposes, and were only put down by the active use of military force; and there have been in several towns strong expressions of public opinion, amounting to

riots, on the subject of obnoxious local imposts; but this is the whole extent of resistance which has occurred. A Mahommedan reformer, alluded to in a former chapter, once created a small disturbance near Calcutta, and the "Moplahs" have lately more than once given trouble, on a small scale, on the south-western coast. But the latter are not of Indian, but of Arab blood, and are a mere local accident.

The aboriginal hill tribes can in few instances be considered to be under our *direct* government, and the serious rebellions in the southern Maratta country and other parts have all originated in the mismanagement of protected native states, not of our own territories.

The British in India have not become Hindooised.

A circumstance which has very much influenced the history and character of our government is, that, as we have never in any degree become permanent residents in the country, and all superior offices have constantly been filled by a fresh influx of fresh Europeans, who keep up their connection with home, and return or hope to return, we have not become, like all previous conquerors, in any degree Hindooised. I have before alluded to the fact, that the Hindoo civilisation seems hitherto to have in the main absorbed all other with which it has come in close contact; and we, too, so few among so many, would doubtless have felt its influence, and would have in some degree assimilated to it, but for this constant change of functionaries. As it is, the communication with England is every day so much increased and facilitated that we become more and more entirely free from native influence, and the disposition to Hindooise, which at first certainly showed itself, has altogether disappeared. The English in India have now become as English as in England.

While this state of things has great advantages, it has also some disadvantage in the want of local knowledge,

and of permanency in the tenure of appointments which results. As there has been a constant succession of total strangers in every appointment, it follows that the government must be entirely carried on upon general principles, with little aid from local knowledge and experience.

Neither in nor out of the service of Government have Europeans much settled in India, nor has anything approaching to colonization, or even any considerable introduction of European capital, ever taken place. The fact is, that in a country where native labour, talent, and skill are so cheap, there never can be any large market for expensive foreign commodities of the same description; and that even in those things in which Europeans have for a time the advantage, the natives soon learn to imitate them at a cheaper rate. Europeans in India.

There may even be good reason why English capital has not found its way into India. Money is no doubt cheaper in England than in India, but the difference is not so immensely great when we remember that the Indian Government was long able to borrow at four per cent., and that the fives are now at a premium; and, in fact, a great deal of capital is accumulated among the native mercantile classes, and they must be content if, after allowing for risks and losses, they clear a reasonable interest. They very eagerly embark in all kinds of speculations; and have an immense advantage in skill, knowledge of the country, local connection, and cheapness of agency, over European capitalists. It is therefore hardly to be expected that a London capitalist should embark capital at so great a distance, and through expensive European agency, in anything in which natives will compete with him. Hence it has been that European capital has found its way to India still less than European labour. European skill and energy are still in some demand, but in nine cases out of ten it will be found European capital.

that Europeans are employed rather as the agents of native capital than that they have brought any money from England.

Since the Act of 1833, by which it was supposed that so much encouragement was given to the employment of European labour and capital in India, and under which they have had every privilege, they have not only not advanced, but have considerably retrograded. It so happened that the great commercial houses, which till 1833 had a sort of monopoly of the external commerce of the country, had immense credit. All the savings of the Company's servants were invested with them, and they commanded a very large borrowed capital. This they spent recklessly. Through European agents they embarked in all kinds of speculations in the interior of the country, and for a time it seemed that they were going on prosperously; but when at last, about 1833, the bubble burst, it turned out that in fact the great majority of these speculations were carried on at a loss—that European science and capital had competed unsuccessfully with native cheapness of labour and skill in applying capital. The money invested was gone, and the merchant princes, who had lived gloriously while it lasted, went to the insolvent court. Since that time there has been no such fund for the supply of money to European speculators. Something has been done on a smaller scale in the way of getting money under the form of banks; but these, too, have now been exposed. The consequence is, as I have said, that European speculation has retrograded. Far up the country, where the agents of the old houses were formerly numerous and well supplied with money, the planters are now few and needy, and generally earn but a precarious subsistence as in fact the servants of native capitalists. It is probably for this reason that so few Europeans of a superior class or respectable character are found in the interior

of the country; and that they are driven to questionable conduct, to guard against which it is very necessary that they should no longer be exempted from the law.

No considerable amount of European capital has been embarked in land, nor is it likely that it would succeed if so applied. Europeans can never compete with natives as farmers, and their only chance is as middle men between the tenant-cultivators and the Government. None but men intimately acquainted with the country, and permanently settled in it, find advantage in this speculation; but some very respectable persons of European blood (in whole or part) and Indian education have embarked in it with considerable success, as it requires but small capital, and principally depends on uprightness and respectability of character, and skill in dealing with the native tenants.

Improvements in the products and manufactures of India.

We have not had great success in introducing material improvements in the products and manufactures of India. Repeated experiments seem to show that no one article can be profitably cultivated on European principles, and it is only in the manufacture of the raw material that we have some advantage. Indigo is the only article in which Europeans have decidedly succeeded, and that they do not cultivate themselves; they merely contract for a supply of the plant, and manufacture the dye. Even this resource seems to be failing. Natives have now in many instances taken up the trade, the Dutch in Java compete, and indigo-planters make small profits, and grumble exceedingly. A vigorous attempt was lately made to manufacture sugar on scientific principles, and there are some tolerably successful sugar-works; but in most instances the experiment seems to have failed, and the great mass of the sugar exported from India is still of purely native manufacture.

Sugar.

For the last fifty years continual efforts have been made by Government to improve the Indian cotton. India is just as much a cotton country as ever, and the production for its own consumption is immense; but its export of cotton has much diminished, simply because America has undersold it. Indian cotton is still cheaper than American, but unfortunately is much inferior in quality. Of course inferior cotton will not sell so well in England when good cotton is at sixpence per pound as it did when the other was at two shillings per pound; and the price does not fall in an old fully-peopled country as it has fallen from increase of cultivation in a new country. It is therefore quite unnecessary to seek about for some dreadful cause in the misgovernment of the country to account for decrease in the export of cotton from India. The Americans can only be met by improving the quality. The Indian Government has unceasingly tried to do so—it is admitted without success; and if the Manchester manufacturers distrust what has been done, they should study agriculture instead of railing at the Government, and send planters instead of political economists to India. If there be questions of government, they affect the cultivation in a comparatively very small degree. If one of the prophets were to come to govern India, he could not render cotton one halfpenny per pound cheaper. It is almost entirely a question of practical agriculture.

Cotton.

One important point is to be observed, viz. that the supply of cotton from India, solely depending on price, can at any time be increased to any amount by increase of price; and if by any unfortunate accident America were sunk in the ocean, India could the very next year supply all the *quantity* required. Cotton is there but one among many articles of cultivation for home consumption. The extent of land over which it can be sown is immense;

and if the price were to rise, each cultivator could the very next season double or quadruple his cultivation of cotton. It is not confined to particular fields, but is invariably grown in rotation with other crops, and the quantity exported is at any time comparatively small.

The manufactures of India we have not materially improved. Everything is still woven and manufactured after the ancient fashion. But if we have not improved the Indian products, we have at least created a great commercial revolution by the introduction into India of goods manufactured in Europe, so that, while formerly it was principally an exporting country, it now also imports very largely. Although the export of cotton, raw and manufactured, has decreased, that of sugar, opium, and indigo has increased. The increase of imports is immense, especially of manufactured cotton. It may, in fact, be said that the higher classes of natives are almost entirely clothed in English cottons, which have superseded the finer native manufactures. One circumstance, however, is worthy of note,—that a great deal of *thread* is imported and made into cloth in India. From this it would appear that the native hand-looms can still compete with English power-looms in weaving cloth, and that it is in making thread that machinery has the great advantage over the ancient spinning-wheels. It is, then, well worthy of consideration whether so simple a manufacture as that of thread might not with great advantage be introduced into India, and whether, with a little scientific machinery, the cheap labour and indigenous cotton ought not to produce cheaper thread than the dear labour and imported cotton of England. I looked with interest at the thread-making machines in the Exhibition on this account.

Manufactures.

Commercial change.

Cotton thread.

The social institutions of the natives we have never in

any way interfered with for good or for evil. Their habits, their castes, the condition of their women, their mode of supporting their own poor, their religion, remain just as we found them.

Non-interference with social institutions.

From any attempt at influencing the religion of the people Government has remained scrupulously aloof. Unlike all previous rulers, it has abstained not only from violent interference, but from the exercise of indirect influence of any kind. It has been of no religion, and, if it has made any distinction, it has been in an indisposition to tolerate the introduction of Christianity, while it played the part of the former Governments in regard to certain temples.

Christianity is now tolerated, but not encouraged, and the connection with the temples is for the most part dissolved.

The ecclesiastical establishments of the Government are solely for the benefit of its own Christian servants, and certainly are not chargeable with any attempt to proselytise; but that their head has a sufficiently strong opinion of the position and privileges of an establishment may be judged from a letter publicly addressed by the present Bishop of Calcutta to Government in this nineteenth century, when it was proposed to permit the various sects of Christians in India to be married by their own ministers, and he expressed his fear of the result "if a person calling himself a dissenting minister is now, for the first time since England was a Christian nation, to stand in the place of the priest in holy orders, with the authority of a Divine commission, derived through successive consecrations and ordinations from the Apostolic ages."

Government ecclesiastical establishments.

The progress of Christianity in India, by the influence of private missionaries, cannot, in truth, be said to be great. I believe that they have some success in the south, where the Jesuits had preceded

Private missionary progress.

them, and where they found a large body of Christians, but even there the Protestants are few; and in all parts of the Bengal Presidency it must be admitted that the attempt to Christianise the natives has entirely failed. We have made some infidels, but very few sincere Christians, and are not likely, on the present system, to make many more. The fact is, that to succeed we must either throw into the scale the influence of Government and of the servants of Government, by which mainly the Mahommedan and many of the Roman Catholic converts have been made, or the missionaries, abandoning a European life, European habits, and, above all, European doctrinal niceties, not trusting to convince by translations of the Old Testament or dissertations on the Athanasian creed, but preaching with apostolic fervour the essential doctrines of Christianity,—one God, all powerful and all merciful; the revelation of his simple will, love and charity to all men, reward to the good, punishment to the bad, they must go among the natives, with native language and native habits, and must appeal to the moral sense of men who stand much in need of religious revelation, and to the intrinsic excellence of the principles which they preach. In no other way can we succeed with a people who have already some religion of their own, and to whom we can no longer exhibit miracles or any physical proof of our doctrines.

Education by the missionaries.

But if the missionaries have not made converts, they have done much in the way of education. The nature of the Government education has already been noticed. The missionaries do not aim so high, but do more that is practically useful. One distinction between their schools and those of Government is this, that they make the Bible a class-book, while Government excludes it. The scholars need not believe the Bible, but they must read it, and have the opportunity of believing. It is found that this by no means deters chil-

dren from coming to the schools, but that they are much better filled than those of Government, by persons who wish to receive a cheap and practical education; for which, indeed, the natives show every disposition when they have the opportunity. The missionary schools are not sufficiently numerous to educate a large proportion of the people of the country, but in many of the principal towns they do a very great deal, especially the Free Kirk and American missions.

CHAPTER VI.

THE GOVERNMENT AS IT NOW EXISTS.

Composition of the Supreme Government — Its legislative and executive powers — Position with reference to home authorities — Choice of Governor-General and Counsellors — Working of Government — Law Commission — Subordinate Governments — Territories under each — Want of uniformity — Boards and courts — Division into districts — Executive officers — The magistrate and collector — System in non-regulation provinces: the Punjab. — Centralization — Mode of conducting business. — No official publicity — Absence of sinecures — Character of Government.

Government of India. Governor-General and Counsellors.

THE Supreme Government of India has its seat at Calcutta, and consists of the Governor-General and the following Counsellors:—

The Commander-in-Chief of the army may be, and always has been, an extraordinary member of Council, and takes rank next after the Governor-General.

Three ordinary members, being persons who have been not less than ten years in the service of the Company. They take rank according to date of their appointment to Council.

Legislative Counsellor.

The fourth ordinary member, commonly called the legislative member, is a person not in the service of the Company, and has hitherto been, in every instance, an English barrister.

He votes only in the making of laws and regulations, so that the Government may be said to consist of two separate portions, a legislative and an executive government—the first composed of the Governor-General and

five counsellors, the other of the Governor-General and four counsellors.

Powers of Governor-General when opposed to Council.

Questions in council are determined by a majority of votes, and the Governor-General has a casting vote. But if the Governor-General differ from the Council, after exchanging opinions in writing, he may, if he consider it necessary and choose to take the responsibility, act of his own authority in executive matters, but not as to the making of laws and regulations. The style under which the government is conducted is, therefore, not the "Governor-General *and* Council," but the "Governor-General *in* Council"—that is to say, the Council are consulted, and an executive order is made in their presence and with their knowledge, but not necessarily with their consent.

Number to constitute a quorum.

Laws and regulations must be made at a meeting of Council, at which are present the Governor-General, or President in council, and three ordinary members; and no law can be passed without the consent in writing of the Governor-General, whether he be present or absent. Executive functions may be exercised in a Council consisting of the Governor-General and one ordinary member.

Powers exercised by the Governor-General when away from Council.

But when public service calls the Governor-General away from the seat of government, a short Act is passed in the Legislative Council giving to him alone the powers usually exercised by the Governor-General in Council, except that of making laws. On these occasions an ordinary member is nominated President in Council.

And of the Council left behind.

The Council thus constituted may pass laws after having first obtained the consent of the Governor-General, and they manage such other matters as he leaves with them. Generally the Governor-General himself retains all important political and executive

duties, and leaves to the Council all routine and petty detail, minor references from the subordinate governments, &c. &c.

Legislative powers of Supreme Government.

The legislative powers of the Government of India extend to the making of all laws for the British territories in India, binding on all persons, British, native, or foreign, and on all courts of justice, whether her Majesty's or any other, and on servants of the Company employed in native states in alliance with the Company; and also extend to the repealing of all provisions of all Acts of Parliament affecting India passed before the Act of 1833, and not specially re-enacted by the provisions of that Act, with the following exceptions:—

1. European British subjects and their children may not be condemned to death by any court other than those established by her Majesty's charters, without previous sanction of the Court of Directors.

2. The Supreme Courts may not be abolished without similar sanction.

3. The Act 3 and 4 of William IV., cap. 85, and *subsequent* Acts of Parliament affecting India, and the Mutiny Act, may not be altered or interfered with.

4. Nothing may be done affecting the prerogative of her Majesty, the authority of Parliament, the constitution of the Company, or the allegiance of her Majesty's subjects.

5. Orders from home must be implicitly obeyed, in regard to the making and repealing of laws and everything else, and disobedience is a misdemeanour.

Executive powers and functions of Supreme Government.

The executive powers and functions of the General Government of India are,—

1. The entire power of the purse. Nothing can be spent in any part of India except by its authority.

2. The power of control over the subordinate executive

governments. The Supreme Government has information of all acts of those governments, may issue any orders to them, and they are bound to obey.

3. The direct management of such British territories as have not yet been attached to any particular Presidency, as, for instance, the Punjab.

4. The Bengal army is under the immediate control of the Supreme Government, as are all such matters respecting the armies of the other Presidences as are transacted with the Commander-in-Chief in India.

5. All political relations which may not have been specially intrusted to the subordinate governments.

6. The patronage of all appointments held immediately under the Supreme Government, and the nomination of the Deputy and Lieutenant Governors of Bengal and Agra.

Position of Indian Government in reference to the home authorities.

The Government of India sends copies of all its proceedings, letters, minutes, &c. &c., to the Home authorities, and is guided by the instructions it receives from them. Its conduct is, therefore, rather influenced by the probable reception which its acts will meet with at home than by any fixed rule, and the degree of its independence of action depends principally upon the personal character and position of the Indian and home authorities for the time being.

It generally happens that political transactions and affairs, depending chiefly on the turn of matters on the spot and requiring prompt action, are carried out by the Governor-General on his own responsibility, but that important internal changes, especially those involving increase of expense, which need not be particularly hurried, are reported to England and orders obtained before they are carried into execution; and the nearer India is brought to England the more constant such references become. But as the Indian Government has the power of

carrying out anything till ordered to rescind it, it sometimes happens that changes are made which would not have been sanctioned (*e. g.* the freeing of the press by Sir C. Metcalfe), or that a contumacious Governor-General may much thwart the intentions of the Home Government. When there is good understanding between the Governor-General and home authorities, many views may be previously communicated in demi-official correspondence, and important measures are thus much facilitated.

Although I do not enter on the subject of the Home Government, it is necessary here to remark that the energy and *progressiveness* of the Indian Government is undoubtedly much lessened by the practice of constantly referring home all important measures, and by the complicated machinery of the Indian administration in England. The division of authority between the Board of Control and the Court of Directors, the large number of Directors, and the peculiar system by which measures are originated in the Court, sent for approval to the Board, then back again to the Court, and so on, render all deliverances very slow and difficult. And when a measure is discussed in India the announcement that it has been referred to the Court of Directors is often regarded as an indefinite postponement. In fact, it is evident that (able and experienced as are many of the individual Directors) twenty-four Directors in one place and a Board of Control in another are not likely very speedily to unite in one opinion upon any doubtful point. They are, therefore, slow to move, and there is a considerable disposition to let things rest quietly till the necessity of a change is very urgent indeed.

There is another great impediment to quick and easy intercommunication between the Indian and Home Governments, which may at first seem attributable to the former, but I believe may be eventually traced to the latter: I

mean the immensely detailed form in which all correspondence is transmitted from India to England, and the absence of condensed and general reports. For instance, the Madras Government does not even attempt to string together the revenue reports of the different district officers, but sends home a copy of each as it is received.

Now, too much information is almost a greater evil than too little, and a body of twenty-four less easily masters that information than a single individual. Hence the difficulty. The fact probably is, that the Indian Governments, supreme and subordinate, have not a sufficient staff to condense and review reports in addition to their executive duties. The Governor-General has made several attempts to increase the salaries of the under-secretaries and officers similarly situated, but the Court of Directors seem to have made it a rule to disallow and reverse everything of the kind. It will be found that it is much cheaper as well as better to pay one efficient secretary to condense than fifty clerks to copy a shipload of papers.

Selection of Governors-General.

During the present century the Governor-General has been in every instance an English statesman of the first political rank. Canning seems to have propounded the doctrine that it was not expedient to nominate any person, however able, not personally and politically known to her Majesty's advisers at home, and the doctrine seems to have been acted upon in the case of Sir Charles Metcalfe; but, on the other hand, the fact that the office has been twice offered to Mr. Mount Stuart Elphinstone (distinguished in the Indian service, but who has taken no part in politics at home) shows that the rule is not invariable.

The fact I take to be that, for convenience of demi-official communication, it is found desirable that a Governor-General should be personally known at home, and that with that qualification the office is open to all. But

the prize has generally fallen to men of rank and political eminence in England.

The Governor-General's term of service is not limited, but it is understood that no slight is implied if a successor is appointed after five years' service, and since Lord Hastings no one has held the office for a much longer term. Lord W. Bentinck is the only Governor-General in the present century who had any previous Indian experience. He had been formerly Governor of Madras.

Of the three ordinary members of Council, servants of the Company, there are generally two civilians and one military officer.

These appointments are made in England by the Court of Directors, and, involving little executive duty, may be considered to be generally bestowed rather as the reward of past services, or on ground of past experience, than with a view to present energy. They are not given exactly according to seniority, but men comparatively young in the service are never appointed. Generally, those are nominated who have long filled important offices.

and of the counsellors.

The military member is often (*e. g.* the last two instances) appointed as the reward of military services, since the highest military appointments are restricted to her Majesty's officers.

The present members of Council have served the Company respectively fifty-two, thirty-five, and thirty-two years. The junior civil member of Council is thirty-second in the Bengal civil list for 1851.

The members of Council are appointed for five years, and their term is seldom extended beyond that period. But it is in the option of the Court of Directors to extend it if they choose.

The counsellors may be chosen from any Presidency, but Bengal being so much the largest, and the seat of

the Supreme Government, and this being the only Council to which Bengal servants are eligible (while Madras and Bombay have their own exclusive Councils), they have been of late in practice almost exclusively nominated from the Bengal list.

The Directors appoint the legislative member with the sanction of the Crown.

The following have held the office:—

Mr. MACAULAY.
Mr. AMOS.
Mr. CAMERON.
Mr. D. BETHUNE.

Governor-General generally absent from head-quarters.

All recent Governors-General have been more away from than with their Councils, because all the most important transactions have for long been those in Northern India, very far removed from Calcutta, and the climate of the northern hills is much more favourable to European life, energy, and efficiency, than that of the plains of Bengal. The Governor-General therefore generally marches about (wherever he is most needed) in the cold weather, and spends the hot season at Simlah, in the Himmalayas. About seven out of the last ten years have been thus spent, and the remaining three in Calcutta. From this frequent separation the Governor-General becomes practically the sole executive Government, and the Council but his legislative advisers and assistants in matters of detail.

Working of the Government.

The Governor-General and Supreme Council seem, under present arrangements, to pull well together. Disputes and serious differences do not appear to have arisen. In fact, the Governor-General is generally a man of much personal and political weight, more energetic than his elderly counsellors; the business of the Supreme Government is of a large and

general character, in which local experience has not so exclusive an advantage as in smaller matters; the Council comprehending civil, military, and legal members, there is on each separate subject a majority of non-professionals likely to follow the head; in the event of difference and reference to the India House much time elapses, and the influence of the Governor-General is very likely to prevail; the continual absence and large executive power and patronage of the Governor-General give him so preponderating a position; the members of Council are well paid, comfortable, and contented: and from all these causes it has resulted that the Governor-General absorbs almost the whole power and influence of Government, and the administration takes its character from him individually. On the other hand, there being no rivalry between him and the counsellors, and his own local experience being limited, he is generally willing to make use of their experience and advice in legislation and general domestic measures when he has the opportunity of doing so.

The Supreme Government of India might, then, be considered very efficient, but for two drawbacks; first, the accession every few years of a new Governor-General, of no Indian experience, and most frequently with no previous knowledge of, or connection with, Indian affairs, who necessarily takes some time to acquire knowledge and experience of a country so different from his own, and who returns to England just when he is beginning to understand it; and, secondly, the constant separation of the Governor-General from his Council, offices, records, and establishment (owing to the location of the latter at so inconvenient a place as Calcutta), and the hindrance to legislation and many important measures caused thereby.

The Supreme Government has at present in its own hands the immediate management of—

The Punjab, and other territories attached to it, being the whole country from the Jumna to Peshawar;

Territories in direct charge of Supreme Government.

The Saugor and Nerbudda territories, and parts of Bundlecund (in Central India);

And the political relations with the principal states—Hyderabad, Oude, Nepal, Nagpore, Scindia, Holkar, the Rajpootana circle, Mysore (now managed by a British Commission), and others as shown in the list given in Chapter IV.

The Law Commission as first established consisted of the legislative member of Council, another English barrister, and three experienced civil servants from the three Presidencies. The great object is to obtain as legislative member a man who is, if I may so express it, a jurist rather than a lawyer; a man skilled in the principles and practice of laws, but not wedded to English legal ideas and forms so utterly unsuited to India; in short, a sort of lawgiver, a man who cultivates jurisprudence as a science. But, unfortunately, there exists no such class in England. We have had till lately no active endowments or schools of jurisprudence whatsoever. No one has studied law except as a profession, and all who have sufficient talent have found their reward in it as a profession in one department or other. Hence it seems that there is no school of jurists from whom to choose a lawgiver for India. It being clear that a mere English lawyer would not do, the resource has been to select a man of distinguished talent but no great professional eminence. Such was Macaulay, but he cannot be considered strictly a jurist; jurisprudence is but one of many subjects to which his versatile talents have been turned, and in these days of division of labour it may be doubted whether any man can become master of many great subjects; and, assuredly, of all tasks requiring

The Law Commission.

the perfection of human skill, one of the most difficult is that of forming codes of law for a great country, strange to us, in which much that was indigenous had become disorganised, and little had been done to analyse the mass of old and new laws and customs. The men of Indian experience, again, were no jurists; they depended on the assistance of a jurist to give shape, system, and a key to their experiences; it is therefore hardly to be wondered at that Macaulay and his Commission did not at once in so short a time fully succeed. After his departure the Commission was allowed gradually to become extinct. The members of Council were lately again constituted a Law Commission, but the lamented death of Mr. Drinkwater Bethune has interfered with this arrangement.

At present no appointment connected with India is so important as that of legislative counsellor. It has been seen that the design of Parliament for collecting, codifying, and improving the laws, customs, and judicial institutions of the country has for eighteen years entirely failed of effect, and it is perfectly clear that no ordinary man or ordinary commission will ever carry it out. It is high time that our course should be determined, and our only hope is in the appearance of a great lawgiver. If such a man cannot be had, it would be better to give up the idea of radical codification, and to proceed to arrange and patch up, as we best may, what we already have.

The subordinate Governments are as follows:—

Subordinate Governments.

Bengal, divided into Bengal Proper, and the Lieutenant-Governorship of Agra, or the North-West Provinces;

Madras;

Bombay;

And the Eastern Settlements of Singapore, Malacca, and Prince of Wales' Island have just been made a separate small Government; but as they have little to do

with the continent of India, I shall not farther touch upon them than to say that they seem to defray their own expenses, exclusive of the troops furnished from India for their defence.

The Governor-General is *ex-officio* Governor of Bengal, but may, when the exigencies of the service require it, appoint a Deputy-Governor from among the ordinary members of Council, who may be invested with the whole or part of his powers, but receives no additional pay. The Lieutenant-Governor of the North-West Provinces is also nominated by the Governor-General, who defines the powers to be exercised by him. He has the power of a Governor, with certain reservations. Councils may be appointed to all the Presidencies. In practice, there never has been any Council of Bengal. The Governor and Lieutenant-Governor of Bengal and Agra exercise all the powers in their own persons alone; but Madras and Bombay have each two ordinary Counsellors, and the Commander-in-Chief at their respective Presidencies as an extraordinary member. The Government at those Presidencies is conducted by the Governor in Council, under the same rules as to voting, casting vote of the Governor, and power of acting on his own responsibility, as in the Supreme Council; and the conditions and period of appointment of the Governors and Counsellors are the same as of the Governor-General and Counsellors respectively, the term of the Governor being unlimited, that of the Counsellors for five years. The period of service of the Lieutenant-Governor of the North-West Provinces has not been limited.

Their powers and duties.

The powers of the subordinate Governments are thus defined:—They can make or alter no laws whatsoever, but must refer to the Supreme Government drafts of laws which they may think necessary. They cannot add one farthing to their fixed perma-

nent establishments, and must apply for sanction to the Supreme Government when any addition is required. They have been authorized by the Supreme Government to incur contingent expenses—that is, money spent once for all, and not to be repeated—not exceeding 5000 rupees, or 500*l.*, for any one object. They have the whole executive administration of their respective charges, but furnish to the Supreme Government copies of all their proceedings and orders, and obey instructions received. Hence almost all general and important measures are referred and explained before being carried into execution, while ordinary transactions within their power are carried out at once, and it is left to the Supreme Government to comment or alter if they choose. The whole detail of revenue, police, and general management, public improvements, and local matters of all kinds, are carried on by the local Government; and they have the charge of our relations with some of the smaller native states intrusted to them by the Supreme Government. Their duties are then altogether of a working, practical, and often minute description, the execution of which entirely depends on Indian professional experience, knowledge, and skill. The land revenue involves the regulation and management by Government, as great superior landlord, of the immense mass of inferior rights, tenures, and liabilities; and the police is a very difficult charge. The inferior Governments also exercise the whole patronage of the appointments in their territories.

The Governments of Madras and Bombay have the control of the military affairs of the armies of those Presidencies, excepting such orders, common to all the armies of India, as emanate from the Supreme Government; but the Bengal army being, as I have said, directly under the general Government, the Governor and Lieutenant-Governor have nothing to do with it, except as regards

supplies, encamping grounds, cantonment jurisdiction, and such matters, involved in the ordinary civil administration. Besides sending copies of their proceedings to the Supreme Government, the subordinate Governments also send them to the Court of Directors, and correspond with the Home Government in matters regarding which information is required or instructions are issued, such as can be more conveniently obtained or given without the official circuit to the Supreme Government. Many matters of civil detail are thus disposed of; and on many subjects it is customary with the Court of Directors to hear appeals against the proceedings of the subordinate Governments, without previous reference to the Governor-General.

Deputy-Governor of Bengal.

Of late years, the Governor-General having been so much absent, there has generally been a Deputy-Governor of Bengal; and latterly, the duties of Governor-General and Governor of Bengal have been found to be too much for one man, and the Governor-General has even when present nominated a Deputy-Governor. He has most of the powers of Government (delegated to him by the Governor), except that, as the Governor-General is better acquainted with, and more frequently present in Bengal than in the other Presidencies, he exercises a more minute supervision, and I believe that he retains in his own hands the patronage of appointments exceeding 1000 rupees per mensem. Although the Governor-General may select the Deputy-Governor from the members of Council, in practice it has become the custom to consider the appointment the right of the senior member, and he has invariably been appointed. The consequence is a constant change in the holder of the office. In twelve years up to 1850 the reins had been held by nine successive Governors or Deputy-Governors. The present Deputy-Governor has served in

the army with credit for fifty-two years, but has never had any experience of any kind in civil affairs; and at this stage of his life, being suddenly promoted into the office of Deputy-Governor, he is called on to perform duties to the nature of which I have alluded, and to superintend the details which I shall afterwards describe.

Lieutenant-Governor of Agra.

The Lieutenant-Governor of the North-West Provinces is a civil servant, not a member of Council; and the Governor-General has it in his power to nominate for so very important executive duties the man of greatest present efficiency, whose vigour and energy have not decayed, even though he be not so old in the service as the members of Council. I have alluded to Lord Ellenborough's appointment of Mr. Thomason. He was when appointed of twenty-one years' standing in the service, and has already governed for eight years.

Governors of Madras and Bombay.

The Governorships of Madras and Bombay seem to be about equally divided between English noblemen and distinguished servants of the Company, sometimes one and sometimes the other being appointed. The prize does not seem sufficient to attract English statesmen of importance, and I think it may safely be said that the *English* Governors have not been of that class, but very respectable peers of moderate reputation and small fortune. Of the *Indian* Governors there have been some of notable experience and qualifications—Elphinstones and Monros; but of others it may be remarked, that they are most frequently men who have earned reward by services in the political department, which seem always to obtain greater fame and recompence than the less blazoned but more useful duties of domestic administration. The functions of the subordinate Indian governments consist almost entirely of these latter duties, and it is only experience of our internal system which can make a really good governor.

Members of Council, Madras and Bombay.

The members of Council at Madras and Bombay are selected exclusively from the civil servants of the respective Presidencies. Strict seniority seems to be more attended to in their appointments than in the Supreme Council. At Madras the present Counsellors and the Counsellor-elect (to succeed on next vacancy) have each served thirty-six years, and all three are in the first seven of the civil list. At Bombay one Counsellor has served 34, one 32, and the Counsellor-elect 36 years, and the three are in the first six of the civil list. The two civil Counsellors at Madras are also Presidents of the Board of Revenue and Chief Court of Justice, and one of those at Bombay is President of the Chief Court, but I understand that these duties are nearly nominal, and that they practically do little duty beyond that of members of Council.

Working of Madras and Bombay Governments.

The success which attends the plan of a Governor and Council in the Supreme Government is by no means found in those of Madras and Bombay. On the contrary, the Governors and Counsellors seem to be frequently occupied in quarrelling; and that it is so may be explained on general grounds, as follows:—

First, The subordinate governors are very often—in the case of *English* Governors I may say invariably—not men of the same personal weight and influence as the Governor-General. Counsellors who would defer to a distinguished member of the Cabinet, or to Elphinstones when they occur, are not so ready to yield to an inexperienced nobleman, or even to a worn-out Asiatic diplomat.

Secondly, The duties of the subordinate governments being so much those of detail and purely *professional*, the members of Council are, in the cases I have supposed, really infinitely better qualified in every way than the governor.

Thirdly, The governors have not, like the Governor-General, political duties to take them away from their councils, and with themselves the whole executive power.

Fourthly, In the event of a difference of opinion there is an immediate appeal to the Governor-General, instead of a distant reference to the home authorities.

Hence it happens that the governors by no means exercise the whole power of government; the counsellors urge their own opinions on all subjects, patronage included; the governors' wishes are often thwarted; ill feeling is too apt to arise; and in any case there is none of that energy and singleness of action which is so necessary to the efficiency of a purely executive administration.

Government of Bengal Proper.

The government of Bengal Proper must be the heaviest of all. The Governor has the administration of the great provinces of Bengal, Bahar, and Orissa, with subsequent additions—Assam, and the country known as the North-Eastern frontier Agency—another very large thinly-peopled tract of hilly country, known the South-Western Agency—Arracan and the Penafurim Provinces on the east of the Bay of Bengal; and he has the charge of a number of petty independent states. He has under him the opium manufacture, whether carried on in his own territory or in the north-west provinces; the Bengal salt manufacture; the whole of the very heavy local business in and about Calcutta, rendered very harassing from the presence of a large population of European adventurers, bound by no laws—and of the Supreme Court, ever ready to thwart him in every particular; the marine and pilot establishments, and river flotilla, maintained by Government; a number of educational establishments; and many other miscellaneous charges.

One circumstance has hitherto lightened his labour in the revenue department compared to the same department in other Presidencies, viz. the non-interference of Govern-

ment in the permanently settled estates, except to receive the land revenue and sell those in default; but the system has worked so ill that there may be more trouble in store for the Governor of Bengal on the score of land revenue than where surveys and boundary marks and detailed settlements have been established from the beginning.

All the duties above detailed have hitherto been left to a Governor-General with the whole management of the empire on his shoulders, who takes them up for a few months at a time when he happens to be in Calcutta, or to an accidental senior member of Council, civil or military, fit or unfit, continually changed, who receives nothing for his trouble, but is put to large expense. It is no wonder that such a government is inefficient, that nothing has generally been done beyond mere routine, and that Bengal has suffered in consequence. The best man who could be selected, permanently appointed, and with no other duties, would have a hard task of it. As it is, the whole administration depends on a good secretary and compliant governor; and even in this case there are many disadvantages in the exercise of power without responsibility and the establishment of a bureaucracy.

Government of Agra.

The Lieutenant-Governor of Agra has not so many harassing details as the Governor of Bengal; but he administers the largest land revenue of any governor, and has had ample occupation in bringing into operation the new detailed settlement, involving so many questions, so much experiment, and the solution of so many long-disputed points. He has the whole plain of the Ganges and Jumna, from the confines of Bahar to the northern hills; the adjoining hill country; several detached districts south-west of the Jumna; the political relations with a few of the minor states; and the customs line between his territories and Central India. Some outlying provinces formerly under him have latterly, in consequence

of the presence of the Governor-General at Simlah, been put under the Supreme Government and Punjab board of administration.

The Lieutenant-Governor has ample duties; but being a practical working governor, selected for efficiency, unembarrassed by a council, and holding his appointment for a long period, he does his work thoroughly. The North-West Provinces can alone be said to be fully governed. Everything is done systematically, and nothing neglected. Hence this Presidency is far ahead of the others, as will be seen when I come to details.

Government of Madras.

Madras has a large territory and land revenue—all the south and east of the peninsula—but little political or miscellaneous work, no opium, and small customs, and a smaller and less important European community than at Calcutta or Bombay.

Government of Bombay.

The Bombay territory (excepting Scinde, which has a large area chiefly of desert) is comparatively small. But as there is no board of revenue as at other Presidencies, the Government must have more revenue detail on its hands. It has also charge of a number of small states, Maratta chiefs, &c.; of some of our political relations on the coasts of Africa and Arabia; of the greater part of the Indian navy; and being nearest to England, has a good deal to do in the way of managing the communications with home.

General statement of territories under each Government.

Annexed is a statement showing the area, population, number of districts, and land revenue of each Presidency. I give the land revenue because it is the best index to the ordinary branches of administration, and implies a certain population, police, and general business, whereas other branches of revenue are mere taxes, and may (as, for instance, the opium duty at Bombay) involve comparatively little trouble to Government.

STATEMENT showing the British Territories in India under each Government.

NAME OF TERRITORY.	Area in square Statute Miles.	Population, actual or estimated.	Number of Districts.	Land Revenue in Pounds sterling at 2s. per Rupee.	REMARKS.
UNDER THE SUPREME GOVERNMENT:					
Non-Regulation Provinces:—				£	
Punjab, including Julinder and Cis-Sutlej Territory	83,006	8,000,000	22	1,505,213	Including area and population of a few petty chiefs not separately stated in Chapter IV., but excluding protected states.
Saugor, Nerbudda, and part of Bundlecund	17,543	2,143,599	8	300,000	
Total under Supreme Government . .	100,549	10,143,599	30	1,805,213	
UNDER THE GOVERNMENT OF BENGAL.					
Regulation Provinces:—					
Bengal, Bahar, Orissa, &c. . .	113,702	36,848,981	34	3,506,070	Including salt, opium, and other sources. Bengal has a net revenue of nearly 8½ millions sterling, almost double that of any other Government, and for the reasons I have given is altogether heavier.
Non-Regulation Provinces	111,401	4,245,344	16	No separate returns	
Total under Bengal	225,103	41,094,325	50	3,506,070	

UNDER THE GOVERNMENT OF THE NORTH-WEST PROVINCES.					
Regulation Provinces	71,972	23,199,668	31	4,047,760	
Non-Regulation Provinces	13,599	600,881	4	74,800	
Total under N. W. Provinces	85,571	23,800,549	35	4,122,566	
UNDER THE GOVERNMENT OF MADRAS.					
Regulation Provinces	119,946	14,612,206	18	3,479,437	
Non-Regulation Provinces	24,943	1,727,220	3		
Total under Madras	144,889	16,339,426	21	3,479,437	
UNDER THE GOVERNMENT OF BOMBAY.					
Regulation Provinces	57,405	8,151,048	13	2,290,969	The gross land revenue of Bombay is here stated, but allowances, assignments, establishments, &c., are deducted, making the net result no more than 1,028,285*l.*
Non-Regulation Provinces, excluding Scinde	10,540	1,059,224	1		
Scinde	52,120	1,274,744	3	No separate returns	The whole receipts from Scinde being 298,375*l.*, the land revenue may perhaps be about 180,000*l.*
Total under Bombay	120,065	10,485,017	17	2,290,969	
Grand Total of British Territories in India	676,177	101,862,916	153	15,204,055	

The distribution of political duties will be seen by reference to the table of native states in Chapter IV.

The areas are correctly ascertained by survey. The population has only I believe in the North-West Provinces been ascertained by any accurate census. In those provinces it may be considered very exact. In the other divisions it is a very rough census or estimate. I imagine that the population of Bengal Proper must be estimated at least high enough, that of Madras and Bombay too low.

The following is a comparative statement of the rate of population per square mile in several different countries:—

North-Western Provinces of India	322
Belgium	323
Ireland (Census, 1841)	304
Great Britain (Census, 1841)	221
France	169
Russia in Europe	29

Comparison of cost of different governments.

I may here also compare the cost of the different forms of government, taking those of Agra, Madras, and Bombay, the former under a Lieutenant-Governor and the latter two under Governors and Councils. I exclude from the statement military secretaries, and all charges pertaining to the military branch, and only give the purely civil charges of the members of the Government, personal staff, and secretariat.

Cost of Government of Agra.

Salary of Lieutenant-Governor	£ 8,400
Personal establishment and house-rent	1,320
Secretariat	12,840
Total	£ 22,560

Cost of Government of Madras.

Salary of Governor and Members of Council	£ 25,600
Personal establishment	7,984
Civil Secretariat	27,340
Total	£ 60,924

Cost of Government of Bombay.

Salary of Governor and Members of Council	£25,600
Personal establishment	6,328
Civil Secretariat	43,292
Total	£75,220

It will be seen how much cheaper is the Agra Government, while that of Bombay, smallest in receipt, is greatest in expense.

Before going on with details of the mode of internal management, it is necessary to explain the difference between regulation and non-regulation provinces, the origin of which distinction has been noticed in sketching the history of our civil system.

Difference between regulation and non-regulation provinces.

The regulation provinces, consisting generally of our older and more valuable territories, are governed by regularly enacted and published laws, commencing with the Cornwallis code, and continued from time to time to the present day. All revenue and judicial matters are here regulated by law, the rights of Government are defined and limited, and it can exercise no arbitrary power in individual cases. These provinces are administered exclusively by the civil service.

The non-regulation provinces are those to which no regularly enacted laws whatsoever have been applied, the existence of which as British provinces the law has, in fact, not recognised, and which are governed under such particular instructions as the Executive Government may issue to its officers. These territories are still classed as "Foreign," that is to say, their administration is still conducted in the "foreign" department, a somewhat anomalous state of things, which might give rise to many difficult questions, and which it would be very desirable to remedy so soon as a suitable code of laws can be obtained.

For the administration of these territories the Company's servants, civil and military, are equally eligible, but (excepting in the Punjab) the appointments are now chiefly held by military men.

Uncovenanted as distinguished from covenanted servants.

I must here also mention that uncovenanted, as distinguished from covenanted servants, are those not in the regular service of the Company, but employed by the Government in India, principally natives, but in many instances Europeans or half-castes.

So much before classifying the different departments of the public business.

Secretariat.

The business of Government is conducted by the secretaries, who are not secretaries to the Governor, but to the Government,—not merely ministerial, but public and responsible officers; in fact, stand in the same relation to Government as the minister or secretary of a republican or elective government, of which the head is supposed himself to possess some official aptitude; and when the Governor-General has no local experience their position must be still more important.

The secretaries have entire charge of the offices and establishments, do all the routine (merely submitting the papers before despatch), and bring forward more important matters in the clearest and briefest form.

Lord Ellenborough thus arranged the offices of the Supreme Government as they now stand:—

The Foreign Secretary, charged with all political relations, the affairs of dependent states, and those of our own non-regulation provinces;

The Home Secretary, who has all the affairs of our regulation provinces;

The Financial and Military Secretaries, whose names signify their duties, the one being a kind of Chancellor of the Exchequer, the other Secretary at War.

The business of the Home Secretary is again divided into revenue, judicial (including police, &c.), general, and some less important departments.

The subordinate Governments have a similar division of departments, but have not necessarily separate secretaries for each.

In Bengal and Agra, respectively, there is but one secretary for all departments.

In Madras and Bombay the secretariat has not been remodelled on a uniform system, and thus stands:—

MADRAS.

Chief Secretary in charge of Political, Public, and Financial Departments.
Secretary—Revenue and Judicial Departments.
Secretary—Military Department.

BOMBAY.

Chief Secretary—Secret and Political Departments.
Secretary—Judicial, General, and Persian Departments.
Secretary—Revenue and Financial Departments.
Secretary—Military and Naval Departments.

Want of uniform method in different Presidencies.

Much inconvenience must result from the want of a uniform classification of business in the different Presidencies. The discrepancies are the remains of the old system, under which each Presidency separately transacted its own affairs in its own way, and there is great difficulty in consequence in comparing the different systems and statements, especially in matters of account, which seem to be kept quite differently at the three Presidencies, so that it is impossible to compare them correctly without abundant explanation, and English commentators are continually falling into egregious mistakes from this cause.*

* There is altogether a great want of intercommunication between the Presidencies. The services are entirely distinct; no one knows anything that is done in another Presidency. The only connecting link is the Supreme Government, and it has not time to attend to details.

The secretaries in all civil departments are civil servants. Each secretary has generally one covenanted assistant or deputy, but the pay of the assistant is so small that these appointments are only held by junior servants.

Other offices in immediate connection with Government.

There is also in each Presidency an Accountant-General, Treasurer, Civil and Military Auditors, and Postmaster-General; and in Bengal a remembrancer of legal affairs, who looks after the interests of Government in suits to which it is a party.

Chief departments superintended by Boards and Courts.

The superintendence, under Government, of the details of the chief departments in our own territories is intrusted to Boards and Chief Courts of Justice. To this mode of administration it has been objected, and with much reason, that Boards are always less energetic and efficient for executive duties than single individuals; but, on the other hand, it must be observed, that, while important matters are dictated by Government and carried out by the executive district officers, the Boards have the duty of supervising and securing uniformity in a mass of detail, which it would be difficult for one man to compass, and which, once compassed, he could not transmit to a successor. In India, where there are so many changes in all offices, there could be no uniformity if single superintendents of departments involving much detail were frequently changed: whereas the whole *personnel* of a Board is seldom changed at the same time, the chain is never broken, and a continuous system is carried out.

Reasons for and against this form.

Revenue Boards.

There have long been Boards of Revenue for Bengal, the North-West Provinces, and Madras; and the separate Boards of Land Revenue and of Customs, &c., have just been consolidated in Bengal, so that the system is now uniform in all those Presidencies. The Bengal Board has three members, the Agra Board

two, the Madras Board one member of Council as President and three ordinary working members. These Boards are charged with the management of all revenue affairs, much in the same way as the Boards of Customs, Excise, &c., in England; and each has a secretary, through whom the business is carried on.

In both divisions of Bengal there is a grade of officers which was instituted by Lord W. Bentinck, and does not exist at Madras—that of Commissioners, each charged with the general supervision, in revenue matters, of five or six districts (constituting what is called a division), and attending to many matters of detail, and to petty appeals from the executive officers, which would be too much for the Board. Their first duty is as Commissioners of Revenue; but as they are not much pressed by their proper functions, then other duties are thrown on them. In the North-West Provinces they are also Commissioners of Police, and everywhere they are the representatives of Government in their divisions; have the general superintendence of public matters and public servants, the relations with petty chiefs, the posting of junior officers, &c., and they can sanction certain contingent charges and rewards. In Bombay, again, where there is no Board of Revenue, two Commissioners divide the whole territory, and are immediately under Government. In the judicial department, pretty much the same system has been established at all the Presidencies; and the supreme judicial power is in each vested in the chief civil and criminal court, called the Sudder Court, which is not only the highest court of appeal, but is vested with an executive superintendence over all the other courts, and appoints the lowest grade of judicial officers. There are at present five judges in the Court at Calcutta, and three at Agra; at Madras, one member of Council is president, and there are three ordinary judges;

Commissioners.

Chief or Sudder Court.

at Bombay, one member of Council is president, and four judges. Each Court has a registrar, who keeps a list of, and assigns causes, &c., but is principally employed as secretary to the Court, in its executive and controlling capacity.

Superintendents of Police.

The police, however, is generally not under the Court, but is managed by Government. In Lower Bengal the whole department of police is intrusted to one superintendent, who exercises authority over the magistrates.

Inspector of Prisons.

In Madras the Government itself, and in Bombay the Sudder Court, superintend the police. There is one superintendent of a special police for putting down Thuggee and Dacoitee for all India. In the North-West Provinces all the prisons were lately placed under one inspector, but this is not the case elsewhere. In Lower Bengal, Government takes the direct management of the prisons, and corresponds with each magistrate on the subject.

Military Boards and Councils of Education.

There are military Boards at all the Presidencies, which have charge of all public works and buildings, civil and military, of the commissariat, and many other matters; and there are Councils of Education.

For executive purposes, country divided into districts.

We now come to the actual executive officers. The whole machine of Government is but to regulate and control the executive officers of districts; and in stating their functions and mode of performing them, I shall best explain how the country is really governed, in what things we interfere, and in what we do not. All that I have already mentioned—supreme and subordinate Governments, Boards, Courts, Councils, and Commissioners—are but different parts of the *controlling* Government; while for practical executive management the country is divided into districts.

The average size of the districts in each Presidency, population (actual or estimated), and land revenue, is here given:—

AVERAGE OF EACH DISTRICT.

Presidency.	Area in Square Miles.	Population.	Land Revenue.
			£
Bengal	3,200	1,000,000	103,000
North-West Provinces .	2,300	730,000	130,000
Madras	6,500	800,000	165,000
Bombay	4,200	600,000	150,000

Magistrate and Collector.

I shall describe, as the most general, the system by which the offices of magistrate and collector are united in one individual, and which prevails in the North-West Provinces, Madras, and Bombay. My details refer principally to the former. The principle of the union of offices is that of uniting all the executive representation of Government. In both capacities, the magistrate and collector exercises the authority and the functions of Government, and acts under its orders; while the judge's duties being purely judicial, he has nothing to do with the executive, and is in no way controlled by Government. The object of uniting the police and revenue management is to obtain greater energy, uniformity, and simplicity of working, together with an adaptation to the manners of the country; while any inconsistency of functions, as in the former union of civil judge and police magistrate, is avoided. The same character, habits, and mode of conducting business, fit a man for both the executive departments.

Object of union of offices.

The magistrate and collector is then a sort of local Governor, and has a great advantage in his management from the combination of powers. He exercises an extended superintendence over his district,

a good deal beyond what his simple name implies, and the people look to him as their immediate ruler. As magistrate, his functions may be said to be threefold:—

Duties of magistrate.

First, as magistrate in the Scriptural sense of the word, as one set in authority, exercising a general charge, like the body of county magistrates in England; making local regulations, superintending the application of local funds for roads, bridges, serais, &c.; the assessment of local imposts for local police; the establishment and management of dispensaries, schools, &c.; the prevention of nuisances; the sale of intoxicating drugs and liquors.

Second, as magistrate like a metropolitan commissioner of police, he is charged with the whole management of the large police establishment, the keeping of the peace, the prevention of crime, the pursuit and detection of criminals, and the bringing them to justice.

Third, as magistrate exercising summary jurisdiction as a judge. Like the London police magistrates he investigates charges, passes sentence on certain cases within certain limits, and commits others for regular trial.

As collector he is not so much in the character of receiver of taxes as in that of the representative of the great landlord of the country; for, whatever may be the subordinate rights, Government, as possessing the chief beneficial interest in the rent, itself fixing the sum to be paid, and exercising minute superintendence over the affairs of the cultivators, is practically in its relation to the people as a landlord to hereditary tenants. The collector registers in minute form all the landed property of the district, and all the rights connected with it, and all transfers as they occur; he estimates the rent of the land, fixes the share thereof to be taken by Government, and the share to be left to subordinate holders. When it is so fixed he collects the revenue as it becomes due. If delay

Duties of collector.

or remission is granted, it can only be through him; if there is failure of payment, he investigates the cause, and, if there be no good cause, he exercises the summary power of realising by distraint, imprisonment, and (under the orders of his superiors) annulment of leases or sale. He also receives and manages the miscellaneous revenue derived from several other sources.

He has a large summary jurisdiction in everything connected with the rent and with the possession of landed property. He decides all suits by superior against inferior holders for the rent of the season; he hears complaints of the latter against the former regarding alleged exaction, and gives summary remedy for forcible dispossession of land; but he has no power to try regular suits in regard to rights not in possession. He manages the property of Government. All pensions, grants, and exemptions from payment of revenue, come through him. He is charged with the interests of Government in all matters litigated in the civil courts; he takes charge of the landed property of minors and incompetent persons, he procures supplies for troops, and in fact, in all emergencies, and on very many ordinary occasions, the collectors are (from the inefficiency of the Commissariat department) the commissaries of the army. The Commissariat seems to consider itself, for the most part, a mere office of distribution and account, and never provides supplies for the march of a single regiment. On such occasions a requisition is sent to the collectors of districts through which troops are to pass, and all supplies are received through them. In the same way, when an army takes the field, the Commissariat department write to the collectors for supplies, dole them out to the troops, send in the bills, and take the credit of supplying the army. The collector has a treasury, keeps very minute accounts, gives bills on all other treasuries, and manages all cash transactions; in short, he does everything as the agent

of Government. The magistrate may be considered the delegate of the ruling powers of Government, the collector its agent in everything that concerns its own interests and the interests of those connected with it in the land; but the two duties are intimately connected, and the functions materially assist and affect one another.

It may be supposed, from what I have said, that the duties of a magistrate and collector—not one of many equal magistrates, as in England, but the sole head of so large a district—are sufficiently onerous and important, and it may be surprising that he can do so much. It must, then, be explained that he is the chief of a very large establishment, and aided by a very powerful machinery, and is rather the head and connecting link of all these duties than expected to perform them all himself.

Assistance and machinery.

First, for the survey, registration, and assessment of landed property. As soon as it has been sufficiently long in our hands, the object is to obtain very minute and correct surveys, most particular record of all rights, and, this obtained, to fix the revenue for long terms. As the officer in active executive charge cannot go about all this systematically and in detail, separate temporary officers, called settlement officers, have been, in many parts of the country, deputed to survey, settle, and record all that is necessary for this end, the doing which is called making a settlement.

Settlement officers.

This done, the settlement officer makes over his record to the collector; the district becomes a settled district. Work is thus amazingly facilitated. The collector finds everything systematically recorded, and has only to work the settlement. At the same time there is thrown upon him the duty of keeping up these minute records and car-

rying out their provisions, involving a mass of detail, which will be better understood when I more particularly explain the land-revenue system.

In the performance of his duties the magistrate and collector has under him—first, a covenanted deputy, of some standing and experience, to whom he may make over any portion of his duties, and who acts during his absence from head-quarters; second, a covenanted assistant, generally a young man learning his work; and, third, one, two, or three uncovenanted deputy magistrates and collectors, whom he may employ in all duties, within certain limits. Staff of assistants.

The most usual course is for the head of the office to retain the greater portion of the administrative portion of the duties in his own hands, and to distribute most of the judicial work among his subordinates according to his opinion of their aptitude. To the covenanted deputy may be made over, from time to time, a portion of the district or of the duties; and he generally takes most of the criminal trials of considerable importance, as having alone powers equal to the magistrate. The judicial portion of the revenue duties, and the petty local investigations, are generally committed to native deputies, and the treasury to a Christian deputy; while the assistant may be employed by the chief to aid him personally, and in all little odds and ends most likely to teach him his duty. Division of work.

In Madras and Bombay, as the districts are generally larger, there is a larger staff of covenanted subordinates; and one or more deputies or assistants are generally stationed at outposts in subordinate charge of portions of the district. It appears that there are in those Presidencies no uncovenanted officers of the same grade as in Bengal, but that the native officers of another grade (the tehseeldars,

or native revenue collectors), stationed in subdivisions of the district, have large powers, nearly equal to those of deputy magistrates and collectors.

All the above-described are public officers holding their appointments from Government, but under them is a large establishment appointed by the head of the district for the ministerial duties of his office, and for the subordinate police and revenue functions in the interior of the district.

Subordinate establishments.

The magistrate's and collector's offices are kept entirely separate. There is the magistrate's office, with a native head, called Serishtadar, who has general charge of all the papers, registers, and writers; a sort of head clerk of the Court; a nazir, or native sheriff, who receives charge of all criminals and property, executes summonses, processes, &c., is the executive officer of the Court; a record-keeper, to whom are made over all decided cases, and papers on which orders have been passed, who keeps them with great system, and can produce them at a few minutes' notice when required; ten or twelve native writers to take down evidence, record proceedings, keep books, fill and arrange papers, and do all the duties of a very voluminous office; and a suitable number of chuprassees, or badge-bearers, who do the inferior duties, attend on the officers, &c. There is a similar and somewhat more highly paid establishment for the collector's office, and a much more important and perfect record-office. Then there is the English office, which, including the heavy duties of the Treasury, generally gives employment to four or five clerks. All the accounts are kept in English, the correspondence with superior authority is conducted in English, and a great number of monthly statements are transmitted in English.

The magistrate and collector has no considerable force of police, or establishment for the collection of the revenue,

immediately under him at his head-quarters. The police are posted at different stations under the inspectors, but can be collected when required; and the realization of the revenue is intrusted to the tehseeldars, or native collectors.

There is generally attached to the magistrate a party of horsemen who act as mounted police, patrol the roads, carry expresses, and are ready for emergencies. Treasury, personal, and other standing guards, are furnished from what are called police battalions—civil corps, drilled by a European commandant, and employed on these duties.

For the inferior police and revenue duties the district is divided into about a dozen smaller divisions, in each of which is posted a native police inspector and native tehseeldar or collector, with suitable establishments. In Madras and Bombay the superintendence of both these duties is united in the same individuals—the tehseeldars, whom I have mentioned as having in those Presidencies a great part of the powers of deputy magistrates and collectors, and who are highly paid. The heads of villages are, in Madras and Bombay, the officers of Government, and intrusted with considerable powers, and to them the police is in a great degree intrusted. It is expected that what is thus lost in efficiency will be gained in good will. In the North-West Provinces the necessity of an organized police is recognized, and the village officers are only responsible for their own proper duties, are not the officers of or invested with the authority of Government; but here, too, it has lately been found that the tehseeldars are so highly paid, and so well qualified, that they may with advantage be made use of for superior duties; and they are pretty generally employed judicially in summary revenue suits, and very frequently are made deputy magistrates for the trial of petty criminal cases. Farther particulars of the police and revenue establishments will be given in

the separate chapters on those heads, and therefore I need not at present go farther into detail.

Hereditary offices in Bombay.

In the Bombay Presidency the system of recognizing and maintaining hereditary officers of villages, and sometimes of districts, seems to have been carried a great deal too far. Not only has the hereditary character of these offices been acknowledged, but they have been made matter of the most absolute property without any reference to fitness or duties, or anything else—may even descend to females, be performed by deputy, and are bartered and sold, while they are largely paid at the expense of Government, and are of very little practical use of any kind. They have been permitted to become numerous out of all proper proportion, and to eat up a very large share of the revenue.

Station and circuits of magistrate and collector.

The chief station of the magistrate and collector is usually near the most important town in, and as central as possible to, the district. Here are his head-quarters, and here he spends the season unfavourable for marching, except when emergencies arise. But from the nature of his duties it is by no means desirable that he should be stationary; and every cold season he goes into camp (as it is called), pitches his tents, leaves the current duties of the chief station with one of his subordinates, and, taking with him a sufficient portion of his establishment, he marches about, pitches for a few days here and a few days there, sees all that is going on, and attends to local matters. His manner of life is a pleasant one, and leads all to take an interest in their work. When he is at head-quarters, his mode of passing his time may be something in this wise. People rise early in India, and ride a great deal, so he is probably out on horseback; but he generally combines business with exercise; he has improvements going on, roads making,

His manner of life and course of business.

bridges building, streets paving, canals cutting, a dispensary, a nursery garden, &c., &c. He may look in at his jail, and see what work the prisoners are doing, or at his city police stations to see what is going on there, or canter out upon an outlying patrol, or go to see the locality of a difficult case. Every one he meets has something to say to him, for in India every one has, or has had, or is about to have, some case, or grievance, or project, or application, of which he takes every occasion of disburthening himself whenever the magistrate is in sight; and the old woman whose claim to a waterspout was decided against her years ago, but who persists in considering her case the most intolerable in the whole world, takes the opportunity for the hundredth time of seizing his bridle, casting herself under the horse's feet, and clamorously demanding either instant death or a restitution of her rights. Though he has not time to listen to all, he may pick up a good deal from the general tenor of the unceasing fire of language which is directed at him as he passes. He probably knows the principal heads of villages, or merchants, or characters in different lines, and this is the great time for talk with them. If anything of interest is to be discussed, they obtain admittance to his garden, where he sips his cup of tea under his vine and fig-tree on his return from his ride. Then come the reports from the tehseeldars and police inspectors for the previous day; those from the outlying stations having come in during the night. These are all read, and orders briefly recorded; the police-inspector of the town, and perhaps other native officers, may be in attendance with personal explanations or representations; and all this done, the serishtadar bundles up the papers, and retires to issue the orders passed, and prepare for the regular work in court, while the magistrate goes to breakfast. At breakfast comes the post and packet of

official letters. The Commissioner demands explanation on this matter, and transmits a paper of instructions from Government on that; the Judge calls for cases which have been appealed; the Secretary to Government wants some statistical information; the inspector of prisons fears that the prisoners are growing too fat; the commander of the 150th regiment begs to state that his regiment will halt at certain places on certain days, and that he requires a certain quantity of flour, grain, hay, and eggs; Mr. Snooks, the indigo-planter, who is in a state of chronic warfare with his next neighbour, has submitted his grievances in six folio sheets, indifferent English, and a bold hand, and demands instant redress, failing which he threatens the magistrate with Government, the Supreme Court, an aspersion of his honour as a gentleman, a Parliamentary impeachment, a letter to the newspapers, and several other things besides. After breakfast he despatches his public letters, writes reports, examines returns, &c.

During this time he has probably a succession of demi-officials from the neighbouring cantonments. There is a great complaint that the villagers have utterly without provocation broken the heads of the cavalry grass-cutters, and the grass-cutters are sent to be looked at. He goes out to look at them, but no sooner appears than a shout announces that the villagers are waiting in a body, with a slightly different version of the story, to demand justice against the grass-cutters, who have invaded their grass preserves, despoiled their village, and were with difficulty prevented from murdering the inhabitants. So the case is sent to the joint magistrate. But there are more notes; some want camels, some carts, and all apply to the magistrate: then there may be natives of rank and condition, who come to pay a serious formal kind of visit,

and generally want something, or a chatty native official, who has plenty to say for himself.

All this despatched, he orders his carriage or umbrella, and goes to Cutcherry—his regular court. Here he finds a sufficiency of business: there are police and revenue and miscellaneous cases of all sorts, appeals from the orders of his subordinates, charges of corruption or misconduct against native officials. All petitions from all persons are received daily in a box, read, and orders duly passed. Those setting forth good grounds of complaint are filed under proper headings; others are rejected, for written reason assigned. After sunset comes his evening, which is probably, like his morning ride, mixed up with official and demi-official affairs, and only at dark does the wearied magistrate retire to dinner and to private life.

The above is the style of life and duty of a magistrate and collector in Northern India in particular, and generally where the two offices are united.

Separation of officers in Bengal.

In Bengal proper the magistrate and the collector are separate officers, and there altogether the system is for Government to identify itself less with the affairs of the land and the people. A magistrate is there nearer to a police magistrate, and a collector to a mere revenue receiver. No one officer has very great personal weight and influence.

Judicial departments—Judges.

In both divisions of the Bengal Presidency the judge is an officer of higher grade than the magistrate and collector, but in Madras and Bombay he is of the same rank, standing, and pay. In Bengal he has no European covenanted subordinates (the registrars having been done away with in Lord William Bentinck's time); but in Madras and Bombay there are junior officers as sub and assistant judges.

European subordinates.

The jurisdiction of a judge is not necessarily confer-

minous with that of a magistrate. There is a judge at most stations, but not unfrequently two districts are under one judge, so that on an average there are about two judges to three districts.

Native subordinates.

As civil judge he is rather a superintendent of the administration of justice than a judge in original cases, which are almost exclusively tried by the subordinate native judges, of whom there are on an average seven or eight under each judge.

Duties and jurisdiction.

As criminal or *sessions judge* he monthly tries, in regular form, all cases committed by the magistrate, and he hears appeals from the summary judicial decisions of that functionary. The collector is liable to be sued in the civil court for all his acts. Their legality is frequently contested, and all his summary decisions may be reopened by regular suits in the civil courts.

Other departments.

The above comprise all the district functionaries, but there are also some special departments managed by a separate agency. In each of the departments of customs, excise, salt, and opium, several covenanted officers are employed for the general superintendence; but the executive of these departments, being work of an inferior and less intellectual description, is carried on at a cheaper rate by uncovenanted servants. In the whole opium department but two civil servants are employed.

System in non-regulation provinces.

I must now explain the system in the non-regulation provinces. A principal feature is the union of executive and judicial functions in one individual, the office of judge being added to that of magistrate and collector. The instruction is that the spirit, but not the letter, of the regulations is to be followed; and practically the general course followed is that, in criminal matters, the regulations are pretty closely the rule. In the civil court the regulations and artificial sys-

tem of Lord Cornwallis are entirely dispensed with, and the court is conducted on simple and natural principles, suited to the country; and in revenue matters special directions are received from Government. Generally a large tract of country, comprising several districts, is under one commissioner, who unites all the powers of the different departments; and the executive is managed, under him, by officers in charge of districts, also uniting all functions. I shall take the best and most important instance of a non-regulation province, the Punjab.

Punjab administration.

There is united under one management the Punjab, the Cis-Sutlej territory (between the Sutlej and the Jumna), now partly our own and partly belonging to protected Sikh and Hill chiefs, the territories beyond the Indus conquered by Ranjeet Sing, and the political relations with Goolab Sing and other chiefs.

The following is a statement of the area, &c., of these territories, exclusive of Goolab Sing and the Nawab of Bahawalpore:—

——	Area in Square Miles, about	Population, about	Land Revenue.
			£
In our own hands	75,763	7,500,000	1,500,000
Inferior chiefs	25,000	2,500,000	500,000
Total	100,763	10,000,000*	2,000,000

Besides the protected Sikh and Hill Cis-Sutlej states, some few chiefs in the hills, and one known as the "Aloowala" in the plains, have been permitted to retain feudatory principalities, or have received at our hands territory

* There has been no census of the population, and it must be much underestimated in the usual statements. I have estimated it principally from a comparison of the land revenue with that of the N. W. Provinces. It must be rather above than below what I have stated.

of which they had been formerly dispossessed. The rest is under our own direct management. Many chiefs and others still hold jagheers, but they are subject to our laws and to our direct rule.

It has been mentioned that these territories are in immediate charge of the Supreme Government. Under the Governor-General they are intrusted to the management of a Board, consisting of one military officer of political experience and two civilians of civil administrative experience. A Board may not be the form of government best suited for originating and carrying out a system, but that form was rendered necessary in the Punjab by circumstances. One officer was by his position and services entitled to claim the first place, yet had not the requisite experience to enable him alone to administer. It was therefore necessary to associate others, and the political, administrative, and judicial duties being united, and being together more than one man could accomplish, the Board was appointed to do them all, and the three members for the most part divide the three departments. The principal management of the civil administration has been taken by Mr. John Lawrence, to whose labours and energy is due the establishment of a very efficient system.

Under the Board are commissioners of divisions, charged with the general superintendence of all departments, and invested with large judicial powers. By selecting good men, whose standing did not entitle them to a similar grade in the provinces, Government have obtained very efficient commissioners. Under each commissioner are about four districts, the executive officers of which are called deputy commissioners. The deputy commissioner is magistrate, collector, and superintendent of civil justice. His assistants and some of his native subordinates have also judicial powers. All civil cases are decided in the simplest way, by confronting the parties, and by the help

of native juries. As double duties are united in the same individuals, the districts are smaller in point of revenue and population than in the provinces; but the average geographical area of districts in the Punjab is swelled by the large barren tracts between the rivers.

The following is about the average size of a district:—

	Area in Square Miles.	Population.	Land Revenue.	
	3,500	350,000	£ 70,000	

Each deputy commissioner has under him a covenanted or commissioned assistant, generally two native assistants (taken sometimes from the best of the servants of the Sikh government and sometimes from the corresponding class in the north-west provinces), and a subordinate revenue and police establishment on the model of the Agra Presidency.

The principal difficulty in the Punjab administration has been in getting good executive officers of districts, for the reduced scale of pay which modern economy prescribes is not sufficient to tempt men within several years of a corresponding grade in the provinces to run the risk of health, and undergo the hardships and labour which must be required of them in a new territory. And as the duties involved teaching ignorant establishments, it was for the most part only from the north-west provinces that men sufficiently acquainted with the language, the people, and the system to be introduced could be drawn. To find men young enough to accept the pay, and yet efficient enough for the duties, was not easy; and the exposure and labour being so great, the consumption from sickness and consequent change of officers was large, and created further difficulties. Hence much was thrown on the superior officers, and their duties have been very severe; yet have

things been wonderfully well managed. A good system has been introduced, and the administration goes on quietly and well.

Particulars of the revenue and judicial management will be given under those headings respectively. The country having had the benefit of our previous experience, the best systems have been introduced, while all vexatious native taxes have been at once swept away, transit duties abolished, and the plain of the Indus opened to free and unrestricted commerce. Especial encouragement has been given to a manly and industrious agricultural population, and altogether the condition of the people has been made so good, and they are so well satisfied, that the perfect quiet and facility of administration which we have hitherto experienced in the Punjab (cis-the-Indus) is likely long to continue.

System of checks and centralization.

Although the executive officers of Indian districts exercise large powers, the Government is intensely centralized. They are responsible for every particular of their proceedings, and are supervised to an amazing extent. For all acts beyond those of ordinary routine it is necessary to obtain the previous sanction of superior authority, and the most ordinary business is reported in a form which keeps the controlling Boards and the Government well aware of all that is going on. It is, indeed, the great principle of all grades of the Indian administration, that each official grade is always kept constantly cognizant of all that is done by that below, by means of an infinite variety of statements transmitted periodically, showing in every possible form every kind of business, and devised to include everything in every shape. The Governments receive abstracts of correspondence, and annual statements and reports from the Boards, the Boards monthly statements, and reports from the executive officers of districts, and the executive officers

daily reports and figured statements from their native subordinates.

The system of unlimited appeal also acts as a very great check on all authority. It is very freely exercised. Dissatisfied parties always carry their cases upwards as long as there is the smallest hope, so that all acts must stand the test of constant appeal and revision. Executive proceedings are as appealable as judicial decisions.

There is this difference between the control exercised by the higher authorities over the executive officers, and the power of the latter over their inferiors, that in the former case the superiors can only act officially through the executive in the prescribed official course, and in the latter magistrates and collectors may do as they please, keep what they like in their own hands, delegate what they like to others, act either directly themselves or through others, and post and make use of all under them as they deem best.

Mode of sanctioning charges.

In India, as everywhere else, the great check on everything is the power of the purse, and that control is very vigilantly exercised; for, as there are no funds which can be spent without being credited, as every farthing of gross receipt of every kind appears in the public accounts, and as the executive officers have no power to expend the smallest sum on their own authority, all charges must be explained and sanctioned. The regular fixed establishment has a general sanction, and, full lists of the incumbents being submitted, the monthly pay is passed; but for all contingent charges monthly bills are sent in. A certain class of ordinary items are, within certain limits (200 rupees, or 20*l.*), sanctioned by the Commissioners of Revenue and Police, certain other charges by the Boards of Revenue, others may be sanctioned by the subordinate Governments, and some must go to the Government of India; and all charges

which are not of a strictly routine and ordinary nature would be disallowed if incurred without previous sanction of Government. The rules of the civil auditor are very strict and precise.

Mode of conducting business.

From the executive officers upwards all business is transacted, correspondence carried on, and accounts kept, in the English language and the English form. The business of the district officers (except treasury accounts and correspondence with superior authority), and everything from them downwards, is entirely transacted in the native language and in native form.

Particulars of the English official form and system I need not give, as it corresponds very closely with that adopted in public offices in this country. Much method and many tabular statements are used to economise time and labour.

The native forms of business, modes of account, &c., differ considerably from ours, but are very good and business-like.

The Persian character used for the Hindostanee and in all the north is a sort of short-hand, in which vowels are for the most part omitted, and which is written much more quickly and easily than English, and, although by no means so good a character for record, is excellently well suited for ordinary current business. The natives seem to have an immense aptitude for tabular statements, and every writer who can do nothing else can, at any rate, make out figured schedules in synoptical form; so the practice is very largely adopted, and is very useful.

Everything recorded in writing.

In India all business is conducted in writing to an extent quite beyond anything known in this country, even in our most important courts of record. There is more official writing and recording in a case of petty theft in our Indian police

office than in the gravest case in Westminster Hall. All petitions, statements, applications of every description, are filed in writing; all evidence is recorded in writing, and all orders and instructions of every kind are formally written and signed. This is much facilitated by the cheapness of the labour of clerks and the facility and brevity of the Persian character. It is also rendered necessary by the incorrectness, vagueness, and talent for speaking hyperbolically of the natives. There is no getting them to make exact statements till they see their words put down in writing; and, moreover, where there is no press, no reporters, and a jealously centralizing system, a minute record is necessary for future reference, to show exactly what has been done, and on what grounds. I have seen it somewhere stated that the same peculiarity exists in Russian courts, perhaps for similar reasons.

Language used.

The language of the courts is now everywhere that of the people. It is one great advantage of Northern India that one universal language prevails among all classes, and no man has any excuse for not becoming familiar with it, nor, indeed, can he well avoid becoming so if much employed among, or mixing with, the natives. In the south the variety of languages seem to be a great disadvantage.

No official publicity, and consequent misrepresentation.

Before leaving the subject of the Indian official system, it is necessary to mention one peculiarity,—at least, a peculiarity as co-existing with a free press. There is no provision for giving any publicity to the acts or views of Government; there is little secrecy or concealment, but still it is not permitted to official men to publish official documents, and there is no official organ of the Government.

The following is a circular issued by Lord Tweeddale:—

From the Government, Madras, to the Board of Revenue.

(Public Department, No. 809.)

August 31, 1847.

I AM directed by the Most Noble the Governor in Council to transmit to you the accompanying copy of a letter addressed to Mr. ——, under date the 24th instant, and to request that you will communicate it to all officers in the revenue department for their guidance :—

"*From the Government to* —— ——, *Esq.*

"(Public Department, No. 783.)

"August 24, 1847.

"1. I AM directed by the Most Noble the Governor in Council to desire that you will immediately report to Government whether the letter bearing the signature '——,' inserted in the 'Spectator' newspaper of the 13th instant, was addressed by you to the editor.

"2. His Lordship in Council, while he desires that this Report may be made in order that it may stand on the records of Government, has no doubt of the authenticity of the letter; and I am instructed to point out to you the great irregularity and impropriety of your conduct, in submitting explanations touching your official proceedings to a newspaper.

"3. He warns you against the repetition of an act so unbecoming in itself and to your position in the service, and so directly opposed to the spirit of the orders of the Honourable Court."

This was very proper. If Government, or the officers of Government, once admit the practice of explaining their conduct to the newspapers, it would give the latter a sort of claim to explanation, and to assert anything they choose when explanation is withheld—a position altogether inconsistent with the nature of the Indian Government and the character of the Indian press; but I mention the circumstance to show the position in which official men are placed and the cause of the false and fraudulent representations of official acts, which are harmless in India, but by dint of uncontradicted perseverance are apt to mislead the English public.

I may also here generally observe, that in the whole Indian official system there are almost no appointments (in the regular branches of the service *literally* none) which are in any degree sinecures. They all require the undivided labour of the incumbents, and the performance of duties by deputy and such abuses are quite unknown. No office of any kind (excepting village offices in Bombay and Madras) is considered as property, or a "vested interest," as in England. In every case it is but a contract, the Government retaining a man and paying him a salary, for which he renders his whole power and service; consequently pluralities are also unknown. No officer can absent himself from his district or his work, except by leave of Government, and on the official appointment of another to act. In every case the official list shows exactly what a man's office is, what he does, and what he gets; and this applies to all grades and all persons. Anything superfluous is very speedily found out and abolished; and there are no fees, perquisites, or any other emoluments excepting the fixed pay of the office.

Absence of sinecures, pluralities, &c.

It must be understood that what I have said of the functions of different officers comprises all the interference with and rule over the people exercised by the Government. The police in India is simply a police for suppressing crime, and is used for no political purpose whatsoever; indeed, the natives enjoy a remarkable degree of personal independence. They are under no surveillance whatever, subjected to no rules, irritated by no restraints. They do what they like, go where they like, and say what they like, provided they do not violate the laws. Those laws are of the fairest and mildest description. In fact, the code is almost entirely composed of the ordinary revenue, judicial, and police regulations, and of enactments for the establish-

Character of the Government.

ment, distribution, and powers of the different offices, and relating to a variety of local matters. Nothing of a severe or arbitrary kind is to be found in the whole list of laws and regulations, and political prosecutions of any kind very rarely occur, even more rarely than in England. By the laws not only individuals but the Government itself and its officers are most strictly bound, and all their acts can be called in question in courts of justice, which have at least the credit of independence and freedom from improper influence. The Government permits its acts to be questioned in the courts on an equality of footing to which I believe that no other Government in the world descends. England is one of the most free countries in Europe, yet in England Government can only be sued with the permission of the Attorney-General, and in a particular form; and it is not, as to costs, &c., on an equality with a private suitor. In India, on the other hand, any one dissatisfied with the proceedings of the agents of Government may try the matter even in the lowest court, and on perfectly equal terms, or rather on unequal terms, for the Government officer has nothing to gain and much to lose by a suit of this kind. I think that the principle is carried a great deal too far, that it is in such excess inconsistent with an absolute government; but it shows the spirit in which things are regulated.

At the same time it is certainly the case, that, if the Government is mild and even over-cautious of offence, it is so of its own will; for it is undoubtedly a pure despotism, and must remain so. Any attempt at instituting self-government beyond the limits of a village, or obtaining an expression of the wishes of the natives as a body, is at present out of the question. It has sometimes been attempted to palm on the public, as expressions of native opinion, documents of purely European concoction, to which the signature is

Impracticability of self-government.

obtained of some Europeanized natives of the presidency towns, and in which the seditious Europeans, under the action of "the natives," express their attachment to the Hindoo religion, desire to retain the privilege of burning their widows and of depriving converts of their property, intimate their aversion to the Government, and so on. But most assuredly, however those residing among them may judge of their feelings and wishes, the real natives have never united in any expression of them. The best test of content or discontent is in the entire absence of any attempts at domestic rebellion or disturbance. And, as to self-government, the experiment has so far been tried that the Government has long been anxious to establish a system of self-taxation and self-administration for sanitary and municipal purposes in large towns, and has made several enactments to enable the inhabitants of all towns desirous of the privilege to constitute themselves self-governing municipalities; yet, strange to say, the unenlightened Indian public cannot be brought to understand the pleasure of taxing themselves, and resolutely decline the proffered favour.

Attempted municipalities.

The Deputy-Governor of Bengal succeeded in imposing a municipal constitution on one town; whereupon some of the inhabitants prosecuted the magistrate who carried out its details in the Supreme Court at Calcutta; and the Supreme Court, interfering in defiance of law, decided that a majority of the inhabitants did not wish for a constitution, and decreed damages against the magistrate. In fact, the scheme is a dead letter, except as concerns some of the European stations in the hills.

Nor is any power given to unpaid officials of any kind. It has sometimes been suggested to invest persons of influence and condition with certain powers; but it has never appeared that this could be done with safety or advantage. The great objection is in

No unpaid officials.

the want of superior character in the higher classes, and the inadaptation of that class to meet our views and system. They would either be inefficient or would abuse their power. At present, therefore, all persons of all conditions are in the eye of the law on the same footing. It is possible that in particular instances some of the best natives might with advantage be invested with certain judicial powers in petty criminal cases as a mark of confidence, and even might sometimes be of material use, but the whole of the executive must always remain with paid officials.

The great difficulty in the way of any kind of self-government on a large scale is in the separation and want of sympathy among the different classes, so that they cannot be brought politically to amalgamate, and individuals of one class can little be trusted with authority over the others. The inhabitants of villages of the same democratic tribes unite, as has been said, in a very perfect system of self-government; but it cannot be carried beyond this, and the tendency of our policy has hitherto been to dissolve these village constitutions, as will be seen in the chapter on Land Revenue.

CHAPTER VII.

THE INSTRUMENTS OF GOVERNMENT.

Civil service — Tests — Course of study at Haileybury — College life in Calcutta — Commencement of service — Duties — Promotion — Periods of service — Leave — Furlough — Qualifications — Character — Salaries — Pensions — Honours — Comparative remuneration — Military officers in civil employ — Uncovenanted officers of different classes: their qualifications, salaries, &c. — Inferior servants — Qualifications — Their supposed influence — Police and revenue establishments — Pay — Unauthorized receipts — Constant change of officers.

We have seen the nature of the Government, the various offices connected with it, and the duties attached to each. We must now look to the character of the instruments by whom these duties are performed, and the mode in which the different offices are filled. The Governors have been already disposed of. The other instruments of Government may be divided into the following classes:—

Different classes through whom the affairs of Government are conducted.

1. The civil service.
2. Military officers taken from the army for civil duties.
3. Uncovenanted servants holding superior offices under appointment from Government.
4. Inferior servants holding all the lower and ministerial appointments, and nominated by their immediate superiors.

I propose to notice the position, character, and qualifications of these classes successively.

The civil service.

Nominations to the civil service are divided between the individual Directors of the East India Com-

pany, and are therefore matter of purely private patronage.

Appointments. No appointments are made by the Court of Directors as a body, upon public grounds.

A young man must be nominated between the ages of seventeen and twenty-one. He must, in the first instance,

First test. pass a tolerably severe examination in classics, mathematics, history, and Paley; and this is perhaps the best of the several tests through which he has to pass, as showing that he has received a good education. It is in fact, to a certain extent (what most examinations are not), a really practical test; and a considerable knowledge of history and of Paley is required. A good many who might have obtained nominations are deterred by this examination, and a few of those who go up are plucked. Still the art of cramming is, like other modern sciences, carried to such a pitch of refinement (being quite a profession), that most young men of decent education can be crammed into passing without remarkable talent or acquirement. Perhaps three-fourths of those who have the opportunity of getting appointments go up and pass this preliminary examination.

This first trial passed, the candidate must be two years,

Haileybury: opportunities of education there. or four terms, at the College of Haileybury. Here are the very best professors, some of the ablest men in the country; and I have no hesitation in saying that nowhere in England is there opportunity for learning more in a little time. Indeed I very much doubt whether there is anywhere to be obtained, in the time, so much useful practical education at the hands of so able men—the first principles and foundations of law and political economy, the great features of history, and useful applications of mathematics. Classics are but read sufficiently to keep up what has been before acquired. But unfortunately the regulations of the College have been too much in the hands of admirers of the Oriental

languages; and a large portion of the valuable time, which is little enough for the subjects which I have mentioned, is compulsorily devoted to that which would be much better and more easily acquired in India, or rather to that which is not required in India at all. The great study at Haileybury is Sanscrit, a language not more useful to an Indian magistrate than a knowledge of the tongue of the ancient Germans would be to a modern commissioner of police, who might now and then discover a slang term to be of orthodox Saxon origin, to the great edification of philologists; yet it may be doubted whether his efficiency would be much increased thereby.

Oriental languages.

Not only is Sanscrit required at Haileybury, but the distinguishing feature of the whole system there is this: that while the study of the Oriental languages is compulsory, that of the other, or what are called "European" subjects, is in practice purely voluntary. Of the latter a student may learn a great deal or nothing at all, but Orientals he *must* know something of. The natural consequence is, that all those who are at all idle, who are not inclined to serve two masters, stick to the Oriental languages and despise the European sciences, because the one secures their appointments and their pay, the other only tends to make them efficient, which is quite another matter. The idle are always in a majority, and there is less than common incitement to work beyond a certain point among those whose provision in life is secured; yet I do not know that there is a larger proportion of idleness than elsewhere. Perhaps one-third of the students at Haileybury do real good there; the majority acquire next to nothing that is practically useful, except the Oriental alphabets; and say about fifteen or twenty per cent. are or used to be plucked, and go out in the cavalry. There is an examination each term. Sanscrit is exacted *every*

term, and in the two last terms a smattering of Persian and Hindostanee is added. Mr. H. H. Wilson, the great apostle of Sanscrit, comes down; a certain moderate number of pages in each language is the "test," and whoever fails in *any one* is immediately plucked. On the other hand, although there is also an examination on European subjects, a student may be utterly ignorant of several of these without injury to his prospects. I can speak positively that in my time I have seen a man passed, reported qualified for the service, and sent out to India, to whom had been *publicly* assigned, by *each* and *every* professor of European subjects, the mark which in one Oriental would have plucked him—that of "little," which being interpreted means "*nothing*." I hope that such extreme instances are rare; and I understand that some attempt has since been made to require, in fact or in name, some knowledge even of European subjects, but am sure that Orientals are still in reality the only substantial test.*

Now this Oriental test proves nothing whatever of talent or intellect. The most obtuse person can, with certain labour, get over a fixed number of pages in any language;

* Since writing this I have seen in 'The Times' of December 16th, 1851, the report of the last Haileybury examination, and it confirms me in the belief that, while greater *nominal* attainments are now required, there is less real test than formerly. At the summer examination a Director very pertinently remarked—"There must be something wrong here, for no one is plucked;" and in truth we must estimate the severity of an examination, as of a battle, by the number of killed and wounded. In my time it was not pretended that more than one in three or four was "highly distinguished," and there was very often a most respectable return of "plucked;" but now-a-days Mr. Melville must be either a miraculously skilful or a singularly fortunate man; and even then, I should say, that his report is not very logical, for the exception is formed by those who are *not* "highly distinguished." In the fourth term, whose turn had come for going to India, there were on this occasion 20 students; none were plucked or had mere moderate merit, but 19 were "*highly distinguished*," and the 20th had "passed with great credit." Now who is really distinguished—the 19 remarkable above the 20th, or the 20th distinguished from the 19?

but it acts in another way; for as it *does* require a certain amount of labour, to which the wildest and most reckless will not submit, some of these latter are eliminated, and sent to serve their country in a fitter sphere—on the saddle instead of the bench.

Result of the several examinations.

Altogether I take the combined result of the preliminary and Haileybury examinations to be, that, from the average of an educated class of life, those who combine great idleness and recklessness with stupidity are purged out; the majority, who have a little industry, and most of those who have a little talent, remain: say one-third are eliminated, and two-thirds go to India. To India, then, they are sent between the ages of nineteen and twenty-three, with a Haileybury certificate of fitness. All carry with them a decent education, some a very good one; there are all degrees of talent and absence of talent, but all have shown some small power of application to languages. All know a little Sanscrit, which is of no use, and two Oriental alphabets, which are *pro tanto* useful; some have acquired the first principles of jurisprudence and political economy, some know nothing at all about it, except a few terms and phrases picked up at lecture. I think it must be admitted that the average is considerably above par; but a few are certainly sent whose intellects have been sufficiently proved to show that they are not and never can be fit for the duties which will be required of them—most indubitable bad bargains to the Company. It becomes pretty clear at Haileybury what is in a man, and to send out an unfit person is clearly wrong. Greater fools are admitted into all other professions—barristers, or clergymen, or physicians; but there is this difference, that no one need employ a foolish barrister or physician, and the cure of souls being, by our peculiar constitution, matter of legal barter and sale, we are content to require no qualifications; but

in the Indian service, a man once retained must be paid, whether he be fit or no. The duties are such as to require a very considerable amount of intellect; and it is one disadvantage of the absence of sinecures, that Government has no opportunity of so providing for an incompetent man that if he can do no good he may at least do no harm.*

Separate service for each Presidency.

Civilians are nominated in England to a particular Presidency, and the line of division is absolute. They are almost never transferred or employed out of the territory to which they belong. The whole number, by a late list, is as follows:—

Numbers.

Bengal Service	484
Madras Service	189
Bombay Service	135
Total Civil Service	808

On arrival in India, Bengal civilians are assigned either to Bengal Proper or to the North-West Provinces, and once attached are seldom changed. The civilians employed under the Supreme Government also belong almost exclusively to Bengal.

College in Calcutta.

At the commencement of the career of the young civilian in India, the Government have a very ingenious plan for at once fully developing, and it may be expending, all his bad qualities. It is judged that he must read the languages to fit him for the public service. He therefore remains for a time "in College," as it is called — that is to say, he lives and

* Haileybury is a very useful place, but the system and tests of qualification should be considerably altered. It has often struck me that the tone and style would be much improved if the whole college, professors included, were transplanted to Cambridge, so as to combine the education of Haileybury with the tone, character, contact, and competition with other classes of the University. And I can see no possible objection to the plan except a little expense, trifling compared to the magnitude of the interests involved.

amuses himself as he likes in Calcutta (Madras, or Bombay, as the case may be); and once a month, if he find no convenient excuse, drives to the College (the shade of that established by Lord Wellesley, now let out for merchants' warehouses) to give the examiner there an opportunity of ascertaining how he is getting on; but for the first year at least he is literally not in any way required to do anything. On the contrary, he is allowed for passing many times longer than is necessary. Calcutta is an extremely pleasant, gay, and expensive place; he receives within a fraction the same pay as a working assistant; has always at the first a certain amount of credit; and there are glorious traditions of the doings of former days, when the service *was* a service, and a few thousand pounds of debt was a trifle. The privilege of remaining to enjoy all this, instead of being forthwith banished to a remote up-country station, depends on *not* passing; and being for the first time their own masters, all who are either naturally fast, or have any lurking propensities that way capable of being developed by judicious temptation, stay in Calcutta as long as they can, lead an idle dissipated life, and get into debt, not, as of old, when native bankers trusted them to any amount—that magnificent credit has gone by—but they go to banks and money-lenders. A goes security for B, B for C, and C again for A. They get money on usurious terms, and sufficiently into debt to interfere very seriously with their future prospects; for fast men seldom turn good managers, and, promotion being slow and pay diminished, they do not soon get clear.

In my time eighteen months was allowed for passing college, with additions if a medical certificate could be procured; and I understand that Government, thinking this, I suppose, too short a term for thoroughly sowing wild oats, have since further extended it, although six months would be amply sufficient to pass. But all plea-

sant times must come to an end; and after a stay in college, varying according to disposition from two months to three years, the young civilian passes in the languages, and is declared qualified for the public service; that is to say, he reads certain passages in certain out-of-the-way books, which he is never likely to open again; but has little more practical or useful knowledge of the languages than when he left Haileybury; cannot talk to a native or understand a word of an ordinary paper read in Court. Even the colloquial smattering which in any other part of the country he must have picked up, he is not likely to have acquired in the Presidency towns.

There is a myth, that those who don't pass within the limited time will be sent back again to England, and a tradition that they have been so sent in former days; but in Bengal, at least, I believe that there has been no such instance in the memory of the present generation. All happen to pass at the last moment.

The civilian after college.

This ceremony gone through, a civilian's real practical service commences. He has very probably really sown his wild oats—got to the limit of his credit—and begins to discover that debt is not so pleasant after all. He is attached to either the Bengal or the Agra Government, and appointed assistant to a magistrate and collector. He now commences the education which he should have received at first. Around him nothing is spoken but the colloquial native tongue; he can only communicate by means of it with all with whom he has to do in Court and out of Court; and he *must* pick it up whether he likes it or no. At the end of a year he can generally more or less understand, and make himself understood. A few years more and the language becomes familiar to him as his mother tongue. I believe that this is the case in all the countries where Hindostanee, or dialects nearly approaching to Hindos-

tance, are universally spoken, in all of which there is but one language to learn. In Northern India the efficiency of very few officers is diminished by want of familiarity with the language of every-day life and business. It seems to be somewhat different in Bengal and the south, because the language understood by and used in communication with a certain class, such as servants, &c., is Hindostanee, while the language of the people is quite different, and more than one language may be necessary. Especially in Madras there are four different languages. Hence it often happens that an officer who has served in one part of the country is posted to another, where he cannot understand the language of the people. In such a case it would be well to exact and ascertain that he attains within a moderate time a sufficient knowledge of the vernacular.

To return to the progress of the young civilian. Once in the interior, and assistant to the executive officer in charge of a district, he has little further temptation to idleness and extravagance; but, on the contray, everything to draw him towards his profession. All his pursuits and amusements become connected with his duties, which are of such a nature that few men can but like them. He is of little use at first; but his superior gradually initiates him, and, from signing his name to formal papers and making translations and abstracts, he begins to take a practical part in the duties and generally soon becomes a zealous servant of Government. Indeed, it is wonderful how this position acts on a man. Whatever may have been his former character, and whatever the inconvenience to him personally of former extravagance, he almost invariably acquires *zeal* for his work before he has been long up country. There are very few exceptions to this rule. All the varieties of talent, temper, and of methodical aptitude of course remain, but hardly any men

His duties and pursuits.

Almost invariably becomes zealous.

in the end altogether fail from idleness or dissipation. The common accusation against the service is of a too great disposition to "talk shop" in public and private.

Effect of official education.

The effect of official education in even begetting a sort of talent for business is very remarkable. It is astonishing with what very moderate intellects men employed exclusively on official duties from their youth upwards become very tolerably efficient, and how a tolerable amount of sense is developed into great official skill; for instance, how large a proportion of the service become in time well fitted for the charge of a district, and for duties such as I have described. The fact is then, that, with the exception of the few bad bargains, who are quite too stupid to learn, and who ought never to have been sent out, the great majority are, or at some period of their lives have been, wonderfully efficient. Commencing, as I have explained, with a material considerably above par, it is improved to the very utmost by constant professional practice; and I think I may without vanity say that the service as a body possesses habits of business, a knowledge of its duties, and general official aptitude, such as is excelled by no body of equal numbers in the world. I do not say that it might not be improved, but speak comparatively to any other existing body.

General efficiency.

To one class of exceptions to the general efficiency (that of men wanting in intellect) I have alluded. Another is that of men once equal to their duties, but worn out in body, mind, or temper. Promotion is so slow now-a-days, and so many men get into debt at the commencement, that they only attain the pleasant places of the service comparatively late, and then can't or won't retire. The most indifferent officers get on the slowest, and yet attain a certain rank in time; the wear and tear of climate must in the end, say in thirty or thirty-five years, tell on a man's

powers. And so it happens that some of the higher appointments are for long blocked up by elderly men, never brilliant, and now inefficient, yet not so bad as to be positively ejected.

The Bengal civil service was lately nearly thus distributed:—

Serving under Supreme Government, including the Punjab	55
Under Government of Bengal	184
Under Government of the N.W. Provinces	140
	379
In College	20
On leave, including furlough to Europe and sick leave in India	85
	484

And the 379 actually employed may be thus classified according to departments:— Distribution of the Bengal civil service.

Supreme Council	2	
Lieutenant-Governor—Agra	1	
Secretariat (Supreme, Bengal, and Agra)	10	
Treasury and Accounts, Audit, &c.	10	
Post Offices	2	
Boards of Revenue (including Secretaries)	8	
Chief Courts of Justice (including Registrars)	12	
Commissioners of Revenue and Police	12	
Superintendent of Police (Lower Provinces)	1	
Inspector of Gaols (Upper Provinces)	1	
Salt Department	6	
Opium Department	2	
Customs Department	5	
Excise and Stamps	3	
Carried forward	—	75

Brought forward		75
Judicial and Executive of 34 *districts—Lower Provinces:—*		
Judges	28	
Collectors	34	
Magistrates	34	
Assistants	34	
Settlement Officers	5	
	—	135
Judicial and Executive of 31 *districts—Upper Provinces:—*		
Judges	20	
Magistrates and Collectors	30	
Joint Magistrates and Deputy Collectors	31	
Assistants	31	
	—	112
Employed in the Punjab	40	
In other Non-Regulation Provinces	12	
In the Political Department	5	
	—	57
Total		379

Promotion principally goes by seniority.

Promotion goes for the most part by seniority. I have already mentioned that the nomination to appointments rests with the Indian Governments; and they are under no positive obligation to be guided by seniority; but still it would seem that a strong prescriptive custom has grown up. Nowhere in the world, I believe, is patronage exercised with a smaller proportion of undue favour. Nothing can be perfect; but the comfort and credit of the dispensers of patronage depend so much on its proper application, and the rule of seniority holds so strong, that there is little room for the exercise of favouritism; and the distribution is wonderfully fair. But, then, on the other hand, too great equality takes away the incentive to extraordinary exertion. The general rule seems to be, that a *very* in-

efficient man may be kept out of his promotion, and advantage may be taken of local opportunities to give a *very* good man promotion a *little* earlier; but that, when neither extreme occurs, seniority is, in what is called the "regular line" of the service, the rule. It is somewhat different in different governments, and under different governors. In Bengal proper the rule of seniority seems to be very strict. In the north-west provinces it is sometimes a little relaxed.

Appointments out of the regular line.

The departments of treasury and accounts, of salt, opium, customs, &c., are considered out of the regular line, and some men remain through their whole service in particular departments. Sometimes too the secretariat becomes a sort of separate department, in which individuals almost exclusively serve. A few political and non-regulation appointments held by the civil service, are hitherto exempt from the ordinary prescription of seniority, and the Punjab has of late been the principal opportunity of escape from the routine of promotion for those who like to take the extra labour and risk of health.

The regular line of the service.

The regular line consists in the district-executive and judicial appointments as classed in the distribution list which I have given. Of this line the prizes are the appointments in the Boards of Revenue and Chief Courts of Justice, commissionerships, and an occasional secretariat appointment.

Course of promotion.

The course of promotion is somewhat thus. An assistant works in the offices of both magistrate and collector. In a Bengal district the judge is the highest officer, the collector next; lowest, and by far the least paid, the magistrate. Therefore, the first step is to a magistracy, and when his turn comes the assistant is promoted to that office. When he has been a number of years magistrate, and his turn again comes,

he is promoted to be collector, with a totally different set of duties, in which office he remains till in due course he becomes a judge and undertakes another set of duties.

In the North-West Provinces, the magistrate and collector being the same person, a man remains so far in the same office. He is first promoted to be joint-magistrate and deputy-collector, and eventually to be head of a district. There are oftener exceptions on the ground of inefficiency in this step than in any other, because so much depends on efficiently filling the appointment; but the great majority are promoted in due course.

During all this time there are but very few prizes for men in the regular line. Indeed, the three or four appointments as secretaries to the subordinate Governments, or to the Boards of Revenue and Chief Courts, are all that can be considered in that light, and they are few among so many, and are often given to those in the secretariat line. When a collector is old enough, he is made a judge; and to this step there is almost no exception if it is wished for. It seems to be considered that, if at this time of life a man is fit for anything at all, he is fit for a judge; and if he is fit for nothing, better make him a judge and get rid of him; for once in that office he has no *claim* to further promotion by mere seniority alone. The judicial department being in a less satisfactory state than any other, is less sought after, and, the ill effects of mismanagement being less immediately startling, the principle that (in a choice of evils) any man will do for a judge seems to have become established. Some who mismanage their districts are said to be promoted to be judges against their will. Moreover, all who can get anything out of the regular line have by this time got it. A crack magistrate and collector probably prefers a commissionership in the Punjab, or to wait for one in the provinces, and men are now nearly entitled to their pensions before they get

judgeships. Altogether it happens that comparatively few much above mediocrity remain to be judges, and that of those who do many are disappointed, and many hang on when they are old and worn-out. A bad department is thus made worse.

I think it may be said that the higher appointments, the seats in the superior Boards and Courts, are more or less made by selection. Young men cannot be appointed to them. A man must go through all the inferior grades, but when he has passed through them he may look to the higher appointments as the prizes of distinction, although there may be many old judges senior to him. The greatest prizes of all, and the appointments which depend least on strict seniority, are the Secretaryships to the Supreme Government, because these lead to public distinction and to still higher posts in the gift of the authorities at home. Secretaries have been taken from all departments. The higher appointments.

Altogether the difference between the extremes of success and want of success in the civil service is certainly not nearly so great as between the extremes of any other profession. All are well provided for; but it must be remembered that of 800 men seriously devoting themselves to any profession—say the bar—some attain rewards such as do not fall to Indian civilians. The difference of pay and promotion of different members of the service may be judged by a report of the Civil Annuity Fund, from which it appears that, of the men of a particular year quoted, the highest amount of subscriptions (a uniform percentage on salaries) paid by any individual was 22,910 rupees, and the lowest 14.

The evil of changing men from one department to another is very great. If departments are to be kept separate there should be grades of promotion in that department. Nothing can be worse Evils of change from one department to another.

than the system in Bengal Proper of making a man first magistrate, then collector, then judge. In all the other Presidencies, where the executive duties of magistrate and collector are united (as I think that they most conveniently may be), there is a very good training and gradation so far; but in both divisions of Bengal the Judicial department is entirely in the hands of men promoted to be Judges late in life, and with no previous experience whatever of the principal portion of their duties (civil justice), than which no evil can be greater. In Madras and Bombay there is some opportunity of acquiring judicial experience in a lower grade, and there undoubtedly ought to be so in Bengal if the department is as now kept separate from the executive.

Average periods of service.

The following is the average period of service (including furloughs, &c.) of civil servants holding appointments of different grades in the Bengal Presidency:—

Secretaries to Supreme Government	25 years.
Secretaries—Bengal and Agra	23 „
Judges—Sudder Court, Calcutta	34 „
Judges—Sudder Court, Agra	26 „
Members—Boards of Revenue	30 „
Civil Members—Board of Punjab	22 „
Commissioners—Punjab	18 to 23 „
Deputy Commissioners—Punjab	7 to 14 „
Judges—Zillahs	23 to 57 „
Magistrates and Collectors—N.W. Provinces	18 to 26 „
Collectors—Lower Provinces	18 to 26 „
Magistrates—Lower Provinces	7 to 19 „
Joint Magistrates and Deputy Collectors Upper Provinces	7 to 19 „
Assistants	1 to 7 „

The present promotion in Madras and Bombay seems to be at least as good as that in Bengal.

The Government may grant any officer leave for one month in any calendar year, if it be convenient to do so, without deduction from his pay, except so much as will cover any expense incurred in supplying his place. With this exception no absence of any kind can take place without forfeiture of pay. During absence on medical certificate, not exceeding two years, one-third is cut—on private affairs, not exceeding three months, one-half; provided that the leave is confined to certain geographical limits. The officer who officiates receives as follows: If he has no appointments of his own, one-fourth of the salary; if he has another appointment, 10 per cent.; and the Government pockets the difference. This is an arrangement of Lord Ellenborough's. The Government was formerly subjected to loss by absence and acting appointments. He had therefore ground for setting right so much. But on pretext of public advantage he went so far on the other side as to subject the service to rules which seem rather personally spiteful and unjust than any thing else. Ten per cent. will not nearly pay a man's expenses when he goes to act for another at another station. If the service were paid too high it should have been directly and openly cut down, not indirectly injured in this inequitable way.

Leave rules and acting appointments.

The moment any servant of the Company passes certain degrees of latitude his appointment in India becomes vacant. To enable civil servants to visit Europe a furlough of three years is permitted after ten years' service, during which an allowance of 500*l.* per annum is paid in England. But there is this extraordinary anomaly still subsisting, that on medical certificate a man may go for two years to the Cape, Australia, Syria, China, and many other places, involving longer voyages than to England, with the greater portion of his Indian allowances, and retaining his Indian appointments; the time is counted

Furlough to Europe.

for service; and he may repeat this several times; but if he comes to Europe he receives a much smaller allowance (and that only once), and on his return he is without an appointment, and may knock about on Lord Ellenborough's acting allowances till a suitable vacancy turns up. The consequence is that there is a much greater disposition to take leave within Indian limits, where nothing is learned and much is forgotten, than to come to Europe and Europeanise; and visits to Europe are not at all so frequent as they ought to be in these days of easy communication. These rules ought long ago to have been changed, and the Governor-General strongly urged that they should be so; but in consequence of the divided authority at home, and the unwillingness to stir matters, it was resolved to postpone a measure of the general propriety of which all were separately convinced, although they might not agree as to the detail of new rules.

Frequent change of officers.

One of the greatest hindrances to the efficiency of the service is the frequent change of the persons holding each appointment. On an average a man does not hold the same office for more than two or three years without interruption, if so much. The consequence is, that there is little opportunity for the acquisition of local knowledge, which is so necessary to administrative duties. This is an evil to a certain extent unavoidable in a service of foreigners. Men must sometimes return to England, and they must sometimes get sick; but it is very much aggravated by the system of promoting, according to seniority, from one grade to another, from one part of the country to another, and from one department to another, with little reference to any local experience or claims whatever. The vacation of appointment on proceeding, for however short a time, to Europe, also destroys all local connection.

Hence it is that the efficiency of the service depends

altogether upon a uniform and centralized official *system* rather than on local experience.

I have already remarked on the great official aptitude acquired by the service generally from continued practice. But I did not mean thereby to say that the appointments are always sufficiently well filled. What I would express is, that by means of this acquired official skill the civil servants are enabled to carry on the business of appointments which give ample scope to the very highest possible powers infinitely better than would seem at first sight credible in a country altogether foreign to them, under a system by which all are promoted without reference to intellect, and officers are continually changed from one appointment to another, while the laws have never been properly systematized, nor the foundation of a good judicial system obtained. Qualifications of civil servants.

To speak generally of the qualifications of civil servants for their appointments, I should say that in all administrative duties they succeed, generally speaking, exceedingly well, but that the judicial part of the work is very indifferently performed. It has long ago been remarked that they are not "juris periti," and they are not likely to become so unless we have, first, good, clear, intelligible codes; and, second, a good judicial training.

I think that it is one bad effect of the seniority system that men become too independent of Government—too fond of following their own ideas. They have sufficient zeal, and as long as they feel that they are well intentioned, are too apt to be indifferent to the wishes and general system of the Government. It is to meet this that the Government are driven to impose so many inconvenient checks and restraints in order to obtain a *compulsory* centralization; whereas, if officers felt themselves more dependent on the approval and good-will of the dispensers of promotion, they would Some men too independent of Government.

be more likely *bonâ fide* to try to meet its wishes without the necessity of imposing so strict a surveillance, and a more efficient centralization would be obtained without so much trouble.

Purity of character and conduct.

In *purity* of conduct, character, and intention I am sure that the service has for the last fifty years stood unrivalled, and in very agreeable contrast to other speculating, fee-receiving, jobbing officials in several parts of the world. There must be occasional exceptions to all rules, and debt, the reduction of pay, and contact with the many rascals, official and non-official, dwelling within the jurisdiction of her Majesty's Supreme Court at Calcutta (that capital of commercial rascality), have lately induced one or two instances of misconduct on the part of men employed in some of the Calcutta offices. Even these instances are of no such deep dye as they might be. There has been no disposing of justice for bribes or embezzlement of trust-money, but only unjustifiable conduct in regard to debts, and in one instance, I believe, the sale of an office in the Stamp department. Such cases are exceedingly rare—out of Calcutta, indeed, almost unknown—and have been met by prompt ejectment from the service.

Salaries.

It remains to notice the rate of emoluments received by the civil service. It must be borne in mind that the fixed salaries are the only receipts of any kind, that there are no extra sources of gain whatsoever, and that every kind of private speculation is absolutely prohibited and prevented. Each man draws his monthly pay, and if he saves anything can only invest it in Government securities or in the public banks.

The following, then, may give some idea of the salaries received. I have calculated in English money at 2*s.* per rupee, which makes the pay higher than according to the usual calculation. The distribution list of appointments

and statement of average standing already given will show the number and standing of the recipients. I give the gross salary, from which the subscriptions to pension funds (to be afterwards mentioned) are deducted before payment.

The salaries of the members of the Government are as under:—

Governor-General, per annum	£25,000
Governors of Madras and Bombay	12,500
Lieutenant-Governor of Agra	8,400
Members of Supreme Council	10,000
Members of Council, Madras and Bombay	6,200

The Home Government have fixed 5200*l.* per annum as the limit of all the higher appointments under members of Council. That salary is received by the secretaries to the Supreme Government, by some of the members of the superior courts and boards, and by some of the chief political residents and Governor General's agents.

Some of the appointments in the Sudder Court have lately been cut down to 4200*l.*, which is, I believe, the salary received by the Agra judges, the *additional* judges at Calcutta, the second and third members of the Punjab board, and the second class of political residents.

Commissioners in the provinces receive	£3,500
In the Punjab	3,300
Judges	3,000
Magistrate and Collector—N.W. Provinces	2,700
Collectors—Bengal	2,300
Magistrate—Bengal	1,080
Joint Magistrates and Deputy Collectors—N.W. Provinces	840 and 1,200
Assistants	480
Deputy Commissioners—Punjab	1,200 to 1,800
Judge—Madras and Bombay	2,800
Magistrate and Collector—Madras and Bombay	2,800

Pensions.

Civil servants have a pension of 1000*l.* per annum after twenty-two years' service and three years' furlough, on the following terms:—They are required to subscribe four per cent. of all pay and allowances, and the accumulated subscriptions, with interest, must amount or be made up to half the value of the annuity when the pension is taken. All the subscriptions of those who die in the service, or remain till their contributions exceed the half value, go towards payment of the other half. What remains is contributed by Government: but on these terms that contribution certainly does not exceed 300*l.* of the 1000*l.* annuity. Some indirect advantage is also given in the allowance of six per cent. on the contributions, while the public only receive five per cent. for money invested in the funds. The pension given by Government may therefore be taken to be about 400*l.* per annum, while the rest is made up by subscriptions on a mutual assurance system.

There is another fund supported by a percentage on all salaries (regarding which there is no option) and a small contribution from Government. From this fund widows receive 300*l.* per annum—sons from a certain age till twenty-one, and daughters till married, each 100*l.* per annum.

Honours, &c.

These then, I think, include all the advantages, direct or contingent, received by the civil servants in return for the labour of their lives, unless we may also include certain rewards and decorations lately bestowed on individuals by Her Majesty's Government, which seems now to appreciate the official merits and qualifications of the only class in the empire exclusively devoted to the administration of government as a profession. Several colonial governments have of late years been bestowed on them, several civil K.C.B.-ships, one or two baronetcies, and one peerage. In regard to badges

of honour, it is, however, to be regretted that (as generally happens) these rewards are more freely given for political services, which meet the public eye, than for the less obtrusive internal administration of great territories. Mr. Thomason, who has *made* the North-West Provinces, and Mr. John Lawrence, who is *making* the Punjab, still remain undecorated.

Comparative rate of remuneration.

There is an ancient popular belief that the civil service is a monopoly, and too highly paid. Now I believe the fact to be that it is only by entertaining an exclusive service from boyhood that the work is done so cheap as it is; and secondly, that, supposing the duties to be efficiently performed, the pay is not only not too high, but has become of late years too low. Work in India is not to be measured by the same standard as in England, but by the marketable value of the commodity. We must consider the nature of the duties and of the country, and then compare the remuneration with that of other professions and other countries. European agency in India must be expensive, and should be used as little as possible; but the appointments in which it is indispensable should be sufficiently paid. I think it may be fairly estimated that European labour in India is at least three times as dear as in England. Put the case practically:—Would most men who have appointments of 1000*l.* per annum in England think it a very great gain to get one of 3000*l.* in India? Would a Master in Chancery, with 2500*l.* a year, always care to accept an Indian judgeship or seat in Council, with three or four times that salary? And do not persons practising private professions charge and make profits three times as largely as in England? To compare, then, we must divide all salaries by three.

Take an instance:—Judges of the Sudder Court receive, some 5200*l.*, and some have been cut down to 4200*l.*

These men have each the superintendence of justice over (on an average, if we divide the whole, say) 8,000,000 of people, who have to the full as much taste for litigation as in England, and there is a much less well-ascertained and consequently more difficult law to administer. The salary of the best-paid is about equivalent to 1700*l.* per annum in England, which it has been thought necessary to cut down to 1400*l.* Or, to take an Indian comparison: the Supreme Court has a local jurisdiction much less than that of a single Zillah Judge, and a personal jurisdiction over Europeans in the interior, concurrent with the Company's courts, which is happily very seldom called into play, except when the object is to harass the Company's magistrates and judges by the exercise of a usurped jurisdiction contrary to law. The judges receive as follows:—

Chief	£ 8,000
Two Puisnes	6,000 each.

Now I do not say that these salaries are too high, if such a court is required at all; and certainly there has not been a sufficient inducement to fill the posts with barristers of any eminence at home; but I ask, is it reasonable, while to persons not in the exclusive service such salaries are given for such duties, to say that the smaller pay drawn for vastly more important duties is too high and must be cut down?

Then take a Zillah Judge: he is in the position of a judge who superintends, hears appeals from, and altogether directs, half a dozen county court judges, and has unlimited original jurisdiction; yet his appointment is not (being divided by three) so valuable as that of one of the judges of county courts in England, who have 1000*l.* or 1200*l.* a year, besides private practice, and yet are confessedly underpaid. Again: is the equivalent of 900*l.* a year too much for a magistrate and collector, charged

with the whole administration of three or four counties? and is not a salary equal to 360*l.* a year in England ridiculously too small for the sole magistrate of a Bengal district containing 1,000,000 inhabitants?

The next class employed in civil duties is that of military officers, selected for the purpose. They have the great majority of political and non-regulation appointments, to the number of about 200, exclusive of civil duties of a military nature, such as police battalions, &c. Military officers employed on civil duties.

The appointments are nearly thus distributed:—

Supreme Council, Governor of Madras, Military Secretariat, College of Fort William, &c. &c.	20
Political appointments	80
Non-regulation appointments	100

The transfer of military officers to civil or political employ is, generally speaking, in the first instance a matter of patronage. Some who distinguish themselves in other ways get political appointments as rewards, but in most cases it must be admitted that a young officer is made assistant to a resident or civil commissioner very much at random, or through interest; and it is so for the best of reasons, viz. that, however desirous Government may be to get the best men, it really knows nothing of them, and must take those recommended by their friends. There is no test of qualification, but these, in common with all staff officers, are required by a late rule—or rather by an old rule lately for the first time enforced by Lord Dalhousie—to pass a certain small examination in Hindostanee. Once in this employ an officer's farther promotion, and everything connected with his appointment, depends on much the same rules as those of the civil service, except that there is not the same general seniority list. Of course a well-educated man, caught young and long in civil em-

ploy, acquires business habits just the same whether he be military or civil, and there is every grade of fitness and unfitness. Military men are on various occasions liable to be recalled to their regiments. Of course they have not, on the average, so much experience as those who have been educated to the business, but many distinguished men have sprung from this class; and I need not take upon myself to say more of their qualifications. Many of my remarks on the civil service apply to all civil employés. I have also mentioned the salaries of many of the appointments to which military men, in common with civilians, are eligible, and which are as good as any in the service. But the executive of some barren, thinly-peopled districts, is perhaps carried on by military men at a cheaper rate than tracts of equal area in the provinces. Lord Ellenborough, having ejected from the Saugor and Nerbudda commission the whole body of employés, civil and military, tried the experiment of putting in new military officers on very much reduced pay, to which he added certain allowances for the command of police battalions which could not be held by civilians.

Uncovenanted officers.

In my account of the Government I have alluded to the offices held by uncovenanted servants under appointment of Government, and who now relieve the covenanted officers in charge of districts and departments of a great part of the duties which they were unable single-handed properly to perform.

They may be thus classed:—

1. The uncovenanted judges, in whose hands is almost all original jurisdiction in civil suits in both divisions of the Bengal Presidency and in the Punjab, &c.; 2. the uncovenanted deputies to the magistrates and collectors, and 3. the Tehseeldars, who, though not originally gazetted to their appointments by Government, cannot now be removed except by sanction of superior authority, have such large

pay and powers, and are altogether so respectable and useful a class, that both in Madras and Bombay, and in Northern India, they may be considered to belong to the superior class of uncovenanted servants. In Bengal Proper there is no such grade as that of Tehseeldar. There is, moreover, a large class of uncovenanted officers by whom, subject to a general supervision, the whole executive duties of the salt, opium, customs, &c., are performed.

Numbers and distribution.

There is no correct list of uncovenanted servants, but, as near as I can calculate, the whole number in all India must be somewhat as follows:—

Uncovenanted Judges, called Principal Sudder Aumeens, Sudder Ameens, and Moonsiffs .	600
Deputy Magistrates and Deputy Collectors in Bengal and North-West Provinces, and Uncovenanted Assistants in the Punjab, &c. .	250
Tehseeldars	800
Salt, Opium, Customs, &c.: Superintendents of Salt-Chokees, Sub-Deputy Opium Agents, Deputy Collectors, and Patrols of Customs, &c. &c., say	200
Total number	1850

By whom appointed.

The more important officers are appointed by Government, but the Sudder Courts nominate the Moonsiffs, or lowest grade of judges; officers in charge of districts select the Tehseeldars (reporting for sanction), and the Commissioners of Customs the patrols. All hold their appointments till removed for misconduct or unfitness. Government most frequently appoints at the recommendation of local officers, and in this case the duties, for which the recommender is responsible, so much depend on getting good men, and there is so little local connection, that nominations are made in the very sincere

and single desire of finding the best-fitted person, and (so far at least as those filled by natives are concerned) the distribution of appointments is fair and disinterested to a degree rarely seen. The candidates for uncovenanted judgeships must have certificates from Government examiners, but in the other departments no test of qualification has been laid down.

Tests of qualification.

It is difficult to distinguish in the lists between Europeans and persons of Christian descent born in the country, but I think that the latter, as being natives, have a very fair claim to a full share of these appointments. The class is one which has occupied rather a despised and unfortunate position, but I think that much might be made of it, and that, with proper encouragement, men might be found or formed combining something of our habits and feelings with such knowledge of the natives as no European can ever attain. Such men as Colonel Skinner have possessed more personal influence and local knowledge than a foreigner could possibly acquire, and such qualifications might be of great use, in the police for instance. The judicial officers are almost all natives, with a few exceptions. About half of the deputies of magistrates and collectors, and nearly the whole of the uncovenanted servants employed in the salt, opium, and customs, are Europeans or Christians, but doubtless a great many of these are born and bred in the country. The Tehseeldars are all natives, at least I can hardly suppose a case in which any one else could be so employed without abuse.

Different classes employed.

The uncovenanted Europeans are of two classes,—either adventurers picked up in India, men who have gone out in some other calling, have acquired some experience of the country, and have eventually obtained Government employ; or of another class which has lately begun to seek for these highly respect-

Europeans.

able and well-paid appointments, the sons of commissioned officers, who cannot obtain appointments in the Company's regular services. Many of the European employés are very useful, and there is not yet, I think, too large a proportion of them; but it would be well to have some test of qualification, otherwise it is quite possible or probable that, as these appointments become more and more sought after, they may be made matters of private patronage through European interest, which it is not desirable that they should be.

Natives.

The native uncovenanted servants are principally drawn from the class of individuals or families attached to our service, and who have made it their profession from youth. The system sometimes tried of giving the higher appointments to cadets of native families of rank does not generally succeed. They are not devoted to us, do their work without pride or zeal, and are at least as apt as any others to be corrupt. It is only from those who have been educated in the lower grades that a class fit for farther promotion has gradually been created. And in a country where all rank has long been official, it is proper that with us too the best official should take the highest rank. There are many highly respectable Mahommedan families whose only profession is service, and who are very willing to serve us; and as they are the most educated natives, and the most gentlemanly and well-mannered according to our ideas, they have in the first instance been most frequently employed. But, on the other hand, there is a very rising class of Hindoos, principally of the writer and mercantile classes, who have sprung from the lowest grades in our offices, have acquired great official talent and skill, have no reminiscences of former greatness, and are exclusively devoted to our service. They are not such respectable, gentlemanly-looking men as the Mahommedans, but are in fact very often the best men of business

when there is serious hard work to be done; and if they conduct themselves well in their prosperity, they may in the end have the best of it.

Qualifications.

I think that this class of native servants is extremely well qualified for the duties now intrusted to them, and have already said how great an improvement all must consider their employment to be. Perhaps they might with advantage have a little more criminal work, and a little less absolute power in civil suits. Their jurisdiction in the latter department seems sometimes great, out of proportion to the pay and position of the lowest grade of judges, and a more efficient superintendence is required; but in other departments they may be still more largely employed than at present. At the same time it is not to be supposed that they are, or for many years will be, fit for higher grades than those which they now fill. They are very good and useful under active and efficient supervision, but superintendence they unquestionably require. They are now employed immediately under the European heads of districts, but could not be left in independent charges.

Salaries.

The pay of the different classes of uncovenanted appointments is, generally speaking, as follows:—

	Per Annum.
Judicial officers	from £120 to £800
Deputy Magistrates and Collectors .	300 to 800
Tehseeldars	100 to 300
Salt, Opium, and Customs Appointments	100 to 1200

These, it will be observed, are, in proportion to the price of labour in India, very liberal allowances. Native labour in India may be estimated at about one-sixth of the price of labour in England. No fees or other emoluments are permitted to this class of servants. Of course

the possession of landed property, &c., cannot be prevented, but the employment of officers in districts where they have private concerns is discouraged. Superannuation pensions, of one-third or one-half salary (according to length of service), are granted to those worn out in the service.

Honesty.

In regard to the purity and uprightness of the uncovenanted servants, I think that the result has been as satisfactory as could be expected, and that corrupt conduct is quite the exception. I have no doubt that the great majority of those employed in the executive department, who are well paid and strictly overlooked, are perfectly pure. Many of the lower judicial officers are accused, and some convicted, of corruption and improper conduct, but they are exposed to too great temptation without sufficient supervision.

Inferior servants.

Last comes the class of inferior and ministerial servants. Excepting some of the English clerks, they are all natives. I have described the ministerial establishment of a magistrate's and collector's office, and there is an establishment of the same kind in every office in the country. Then there are the large revenue and police establishments under the Tehseeldars and inspectors of police, and great numbers employed on the same system in the executive duties of every other department.

Numbers.

I cannot attempt to estimate the whole number of persons thus employed, but it must be immense. The number of districts and of judicial and other offices will give some idea of the great number of ministerial employés, if we allow about twenty literate and twenty illiterate men to each office; then in each district are from half-a-dozen to twelve or fifteen revenue divisions, in each of which is an establishment of twenty to fifty men, and from ten to thirty police divisions, each having from a

dozen to fifty policemen, and there are customs posts, opium agencies, &c., on a similar scale.

Appointment and removal.

All these appointments are filled by the heads of offices at their discretion, and each holds till removed for good and sufficient reason assigned. Generally speaking, the power of removal for misconduct or unfitness rests with the same officer who appoints, but an appeal against every such order lies to superior authority in the case of all servants receiving more than 1*l.* per mensem.

Qualifications.

The native ministerial officers are a most useful set of men, a great deal too much decried by Europeans out of the service, who do not understand them. I am at this moment speaking not so much of their honesty as of their efficiency, and am sure that the latter quality cannot be questioned. The world does not produce better men of business than some of the native Serishtedars or heads of offices, men whose quickness, memory, method, skill, and knowledge of official detail are quite surprising, and whose fluency of pen and language no European could surpass; and the common native clerks are a remarkably intelligent class.

Supposed influence over their superiors.

The undue influence of these men over their superiors is ridiculously magnified by those who know nothing about it. Popular grievance-mongers, people who have lost their suits, and Europeans who are not permitted to do as they like, represent a state of things which could only arise if either the "Omlah," as they are called, possessed preternatural powers, or their superiors were absolute idiots,—not only not wise, but so destitute of the ordinary senses as to be fit only for an asylum. The fact is, that no man who is even *tolerably* efficient is likely to be influenced in an excessive degree. He has generally no private intercourse whatever with his native subordinates; all that is done is

done publicly; and where a man does his own duty, the natives know too well the European character seriously to attempt to influence him. It is sometimes even difficult to get an opinion from a native officer whose knowledge and experience are fairly and properly consulted, so cautious are they in this respect. I believe that real influence is only exercised in the case of a few men of extraordinary inefficiency, or, again, of a few others who have become enthusiasts in admiration of the natives, and partially "Hindooized." The Omlah are either Hindoos or Mahommedans, but I should say that there is a majority of the former, especially in the lower ranks.

Character of police and revenue establishments.

The character of the police, &c., will be afterwards noticed, but I think it may be generally stated that while the revenue servants are very efficient, the police are not so good. Our police system being less in accordance with native fashions and manners, although many individuals are good, a fully efficient *profession* has not yet sprung up in the department. Generally speaking, I think it may be also said that the lowest class of servants in all departments—those whose duties are in no degree such as require literate men—are very inferior, compared to the class immediately above them. A native writer is as good and intelligent a man as an English clerk, but a native constable or badge-bearer is very inferior in every way to a London policeman or customs officer. The difference may be partly owing to native character, but I should say still more to the want of sufficient system, discipline, and pay. Men of this class are too often lounging, careless, and corrupt. The majority of the policemen, &c., are (at least in Northern India) Mahommedans. It is (in the absence of discipline) a service suited to their habits and tastes. There are also many Hindoos of all castes, from the highest to the lowest.

The lowest class of servants.

Pay.

The whole of the lowest class of servants in all departments, police constables and all of corresponding grade, receive 4 rupees per mensem, or 4*l.* 16*s.* per annum, a sum very little above that earned by a common labourer, and out of which they are expected to feed and clothe themselves. This is certainly not a sufficient remuneration to secure honesty, discipline, and efficiency. Even if we multiply by 6 (on the scale formerly suggested by me), it makes the equivalent of 28*l.* 16*s.* per annum in England, a sum for which I imagine that a good policeman (feeding and clothing himself) could not be obtained in this country.

The other grades of the inferior establishments are better paid, and receive from 10*l.* to 300*l.* per annum. The native head of a collector's office has from 100*l.* to 200*l.*, of a magistrate's from 80*l.* to 150*l.*; their deputies and principal clerks 40*l.* to 60*l.*; good common clerks 15*l.* to 25*l.*; and the lowest class of writers, employed at police-stations, &c., 12*l.* per annum. The different officers of police (superior to the constables) have from 10*l.* to 120*l.*; a horseman, for self and horse, 20*l.* to 25*l.*

Unauthorised receipts

No fees are legally permitted, (except to some of the ministerial officers of the Civil Courts for serving processes, &c.;) but it is impossible not to suppose that at least the lowest class of officers must almost invariably make something in addition to their pay. I believe, however, that much the greater proportion of all unauthorised receipts are rather of the nature of customary presents than positive bribes in purchase of corruption. Something of this kind I dare say that the greater number even of the superior ministerial and police officers receive, but everything of the kind is, when detected, treated as a high crime and misdemeanour, and it cannot, under so strict a system, be carried to any very alarming or ruinous extent. I am sure that no busi-

ness in England is transacted with so small an expenditure in fees. I believe, however, that the Oudah, even when they do not in the least degree attempt to exercise influence, are well content, by negative deceit, to allow the belief that they do so to go forth among a large class of the people to whom the European officers are personally little known, who see all orders executed by the native subordinates, and who are accustomed to see natives of rank leave power in the hands of their inferiors. They may thus assume a character a good deal more important than really belongs to them.

Corruption.

As to the amount of positive corruption—by which I mean the actual doing or abstaining from doing what ought to be left undone or done, in consideration of bribes—it is difficult to generalise. There must, in the aggregate, be a good deal of it, but still I believe that it is popularly very much exaggerated, and that under decently efficient supervision it can hardly be long systematically carried on without detection, in a country where there are such great facilities for bringing forward complaints and proneness to complain of every grievance. The corrupt officer can never be sure that the aggrieved party, or an enemy of the unduly favoured party, will not present a petition next day. The only difficulty is, that there are so many complaints of all kinds that it is very difficult to distinguish between the true and the groundless. I should say that in the immediate establishments of European officers, and in the revenue department generally, there is little opportunity for very gross corruption, except in particular instances where the head of the office does not do his duty, but in the police and the civil courts there is (under present circumstances) always the chance of occasional corruption and malversation, against which it is very necessary to guard, and which is often exposed and punished.

Constant change of officers.

The disposition of European officers is certainly not on the side of unduly overlooking corruption or misconduct; on the contrary, the circumstance which more than any other interferes with the efficiency of the inferior establishments, especially of the police, is the constant change of the employés, and the want of a regular and equitable system of promotion. The European officers are so often changed that they have seldom a good personal knowledge of those under them: so many charges, true and false, are brought forward; the receipt of presents and such offences of the second degree of atrocity are truly chargeable against so many; and so many of the police are inferior in efficiency to what might be desired; that opportunities of turning them out are seldom long wanting. Many zealous men, attributing to the individuals faults general to the whole system, are too apt to think to reform by change of persons, instead of by steady discipline, and are therefore continually deposing and appointing; and, from the want of personal knowledge, new men are too apt to be put into appointments where regular promotion would be the chief stimulus to good conduct in the lower grades. Hence it is that hardly any man has passed his life in the service of Government without having been at some time or other ejected from some appointment, for some alleged misconduct, and none can certainly reckon on assured promotion in proportion to their services. These evils more seriously affect the classes removed from the eye of and from personal contact with the European officers than those immediately under them; but altogether there is great room for improvement and system in the management of this branch of the service. Governments have been inclined to try to remedy the evil by depriving the local officers of power, but this will never do; Government must act through, and not in opposition to, its servants,—must make their promotion and pay to

depend on a discreet exercise of their powers, rather than take away the power without supplying an efficient substitute. A magistrate who has been but a year or two in a district may know little of the character of a police inspector, but assuredly the Government knows much less of it, and an efficient police entirely depends on a concentration of power in the hands of a discreet magistrate.

CHAPTER VIII.

THE LAND REVENUE.

Different systems — Zemeendaree system — Perpetual settlement of Bengal — Ryotwar system — System of village leases — Results and present working of Bengal permanent settlement — System in north-west provinces — Its principles — Formation and completion of present settlement — Existing tenures — Mode of working the settlement — Results. —— System in the Punjab, &c. — Tenures — Summary settlements — Proposed regular settlements. —— Madras system — Sir T. Munro's views — Introduction of Ryotwar management — Description of this system — Its results. —— Bombay — Tenures — Mr. Elphinstone's views — New system adopted in Bombay, and its results. —— General statement of land revenues of British India.

Recapitulation of tenures, and former system.

We have seen, in Chapter III., the state of the landed tenures, the various condition of the communities, and the functions of Zemeendars where such existed, when we assumed charge of the country. We have seen, too, that the original right of the Government consisted in certain shares of the produce; that these were either taken in kind by the Government itself, or through farmers as its representatives, or were commuted into a fixed money payment by the communities; that the Mogul emperors, in their best days, tried to form an uniform money settlement with the village communities throughout the empire, but that in subsequent troubles, this system falling into disuse, the old state of things was reverted to, and the farming system again became general, being that of letting out large tracts of country to speculating farmers who contracted for a fixed payment in consideration of the Government

share of the grain. Large farms were sometimes held by the local Governors, Zemeendars, &c., while single villages were in some parts of the country farmed by the local head-men, and in others the more perfect communities still made joint bargains for money payments.

When we took the country, the original system of dividing the produce with the cultivators did not at all suit us. We had not the means or machinery, and it therefore became necessary for us to commute into money payments in some shape. This might be done either through intermediate renters, or by settling a money commutation with the cultivators. Intermediate renters might be either mere farmers of the revenue, taking it as a mercantile speculation, or hereditary Zemeendars of districts, or the head-men of each village; and to settle with the cultivators, we might either settle with them in the gross as corporate communities for a sum to be paid in the lump, or, commuting the share of the grain into fixed rates per measure of cultivation, we might settle with each tenant in money according to his cultivation. All these different systems have been tried. We shall see how far each is followed in different parts of the country.

Choice of systems open to us.

The farming system, first adopted, leading to abuses and many inconveniences, was soon discontinued; and our desire was to contract for money payments with some persons having a hereditary interest in the soil. According to English ideas, some one must be proprietor, and with him a settlement should most properly be made; but we did not for a long time see that different parties may have different degrees of interest without altogether excluding others, and hence the long discussions on the question who were the actual proprietors, when in fact the contending parties had different but consistent interests in the same land—Government as rent-receivers, Zemeen-

Search for proprietors.

dars as delegates of Government, and the communities as having possession and entire management of the soil. Government was at perfect liberty to confer extended hereditary rights on Zemeendars or heads of villages, but only from its own portion of right. It had no right to interfere with that of the cultivating communities. On the other hand, in settling direct with the cultivators, if we could contract with them jointly for one sum, they managed their own concerns, extended their cultivation as much as they could, and were jointly responsible, with comparatively little trouble to us; but to effect this, the corporate machine must be in working order, and Government must give up something of the gross rental to make it worth the while of the members of the communities to run the risk of a joint responsibility. If, again, we merely levied money rates from every individual cultivator, Government must undertake a most complicated duty in dealing with each of the many hundreds of thousands of separate tenants. Each had all the complicities of a tenant, renting and defaulting, &c.; and though the communities united were strong, each separate individual was weak, without capital or credit; but then it was supposed that the cultivator was secured from injustice or oppression, and that all that was paid must go to the Government alone.

On first undertaking the management of Bengal Proper we were profoundly ignorant of the native system; and here the Zemeendaree farms were more general than anywhere else, the communities were less perfect, we came most into contact with the Zemeendars, the Mahommedan name seemed to translate "landholders," and in our search for proprietors they came first. It was also immediately after the great famine of 1770, which probably quite disorganised for a time the communities. Nevertheless the Zemeendars were not in the first instance admitted to the

character of proprietors. We did not know enough of the country to approach or contemplate dealing with individual villages or cultivators. The rents of large districts were first let on farm to mercantile speculators for five years. At the same time all extra cesses connected with the land and the cultivators were abolished, and the simple rent or share of produce was proclaimed to be the revenue of Government.

Zemeendaree system.

The farming system leading, as has been said, to abuses, in another settlement preference was given to the Zemeendars, if they were willing to rent their districts at a fair sum; and here, for the first time, we find the germ of our sale system, hitherto unknown. Instead of demanding security for fulfilment of engagements from Zemeendars as from mercantile speculators, it was stipulated that, if they defaulted, their rights and interests might be sold to others. Several attempts at settlement of this kind having been made, and all having very much failed, the Zemeendars proving as bad managers and worse payers than the mercantile speculators, and the collection of revenue having been very irregular and uncertain, the Directors at home were annoyed and alarmed. The fact is, that in our then ignorance and want of machinery, we could not at once succeed in so difficult and delicate a matter.

At this juncture (1786) Lord Cornwallis went out to India, and his instructions were to put an end to these changes and fluctuations, to introduce some *permanent system*, to respect hereditary rights, and not to dispossess the "Zemeendars, or hereditary superintendents of the land." The last title quite describes their character. But Lord Cornwallis was one of the good old English gentlemen, who considered ancient English institutions perfection in any part of the world—had no doubt that rights in land must belong to the highest class connected with it—that a landed aristocracy is the greatest of

blessings—and that the receipt of any portion of the rent by the state was a tax on them which could not, indeed, be dispensed with, but should be fixed and limited for ever as soon as possible. He therefore insisted that the Zemeendars were either the actual proprietors, or should be made so forthwith, by the creation in their favour of an absolute private property to do what they would with—that the Government revenue should be fixed and limited in perpetuity, and that Government should no more interfere, but have the right of selling the land for non-payment of revenue. And on these principles he made a settlement for ten years to begin with. By far the greater portion of the country became the property of the large Zemeendars of districts, but there were also some villages where particular families succeeded in getting themselves set down as proprietors of small tenures, and in some few instances they are even so numerous as to make it probable that the members of the community were registered as separate proprietors. In making these arrangements Lord Cornwallis was assisted, and the details were carried out, by able and experienced men, who were also favourable to the Zemeendars. But when, having gone so far, he proposed to make the settlement perpetual, these men strongly dissented. In making the inquiries for the ten years' settlement they became aware of the existence of rights in the under tenants and cultivators of the soil which were in no way defined or provided for, and they were besides aware that they then possessed no sufficient information either as to the limits of the lands thus assessed or the equality of the assessment. On these grounds they urged that it would be madness to pledge Government for ever. But Lord Cornwallis was determined. He was respected at home, his philanthropic generalities were admired, his promises of regular revenue were well received, and the

Perpetual settlement of Bengal.

Directors gave a somewhat reserved and qualified assent, urging the rights of inferior holders, and expressing a hope that provision might be made for increase of revenue from waste lands. However, on receipt of this assent the Governor-General no longer delayed, but proclaimed in due form the famous permanent settlement, which still holds. With our present experience and knowledge of the requisites to a proper assessment, and of the difficulty of avoiding inequalities and other evils, even with all the resources now at our command, and the minutest surveys, information, and experience of all kinds, it seems monstrously incredible that such a settlement should have been made in such ignorance. Even the very first step towards the roughest settlement of modern days, the definition of boundaries, was not taken. There were neither then nor since (till the other day) any boundary marks whatever in Bengal. There was a mere register of rent-paying estates, with the names of the proprietors, but no means of identifying the lands. And upon the same principle that registration of rights in estates is considered a gross innovation on the established liberties of England, Lord Cornwallis arranged for the future that Government should have no information whatever, nor right to intermeddle in any way. The property was to be private property, with right to abuse and mismanage at discretion. Quinquennially the registers were to be revised, by making the necessary changes in the names of proprietors, if the collector could find them out.

If the revenue was not duly paid, the estate, or a part of it, as it stood in the register, was to be sold, and the collector gave a title but no possession—the purchaser might find it, or sue in the civil court for it. Co-sharers might claim a division of land and revenue. In regard to the inferior tenants, it was merely provided that the Zemeendars should give them written leases stating the

sum they were to pay, and they have in fact become mere tenants at will. The village accountant was made entirely the servant of the Zemeendar, and district accountants were abolished. The collector was deprived of all judicial power whatever, was made amenable to the new civil courts, and to them he must apply for enforcement of the rights of Government. To them was also referred the decision of all disputes between different parties connected with the land, and the explanation and definition of all the newly created rights was entirely left to their discretion—as if that could be judicially decided which had never existed before, and which was not now sufficiently defined by law. I may here mention, however, that it was soon found necessary to give the judges a power of summary procedure in suits for rent. It was not till a later period that this power was restored to the collectors.

Alienations of revenue.

I have formerly explained the mode in which portions of the Government revenue were assigned in payment of stipends, charities, and as pensions on the civil list. There had been many of these alienations under the Mahommedan Government, many more were made without authority during its decline, and many were fraudulently effected after it had ceased to exist. They should at once have been examined, any claims to consideration ascertained, and the rest resumed; and so it was proposed and attempted in the first instance, but the measure was not properly carried out. As the Zemeendars, the assignees of a portion of the rights of Government, had been regarded as proprietors of the land, the Jagheerdars, &c., holding the whole of those rights, came also to be regarded as proprietors, though in fact their holdings were altogether consistent with the existence of separate landed rights, as may now be seen in any such grant in the north, where the communities are perfectly

undisturbed, and the Jagheerdar is merely the assignee of Government revenue.

However, they were, and are in Bengal to the present day, regarded as proprietors of land, free from payment of rent or revenue. And this being so, Lord Cornwallis, in that spirit of too excessive liberality to the higher ranks which has so injured our finances to the detriment of the lower classes, notwithstanding the notorious abuses, threw on Government the "onus probandi" as to their liability to pay revenue. He recognised all gifts of former Governments and a moderate prescription as conveying a valid title: which was as liberal as if, a revolution occurring in our country, the next Government was to confirm in perpetuity, as hereditary property for ever, all the Civil List, and the salaries of the ministers, the beefeaters, and constables, beadles, and sinecurists throughout the kingdom. And it was left to the collectors to find out such as had not such titles, and prosecute them for revenue in the Civil Court. As might have been expected, the collectors had not the means of proving that there was no title, and had other work to do, and this shameful alienation of the proper revenue of the State stood over indefinitely; notice being only given of the claim of Government to test these tenures when it should have time to do so; and all being required to register their rent-free lands. There were also a variety of pensions, &c., of the former Government paid direct from the treasury. These too seem to have been treated as a sort of property, and were investigated, and if held on genuine grants were generally continued. Such liberality would be all very well, but should not be indulged in while we are obliged to raise the salt-tax from the masses.

Sir J. Shore, though opposed to the permanent settlement, did his best to make the most of it, and enacted various improved regulations. But the system resulted in the continual sale of estates, oppression of the culti-

vators, and many other evils, and presently fell into discredit.

But before giving an account of the working of the permanent settlement as it exists in Bengal at the present time, I must trace its fortunes elsewhere till the system was changed.

Permanent settlements at Madras.

The first difficulty occurred at Madras. The Bengal Government, big with their own settlement, insisted on forcing it on Madras. There, as has been said, there were some Polygars and Zemeendars in the northern Circars, &c., to whom the system could be applied, and it was at once adopted in regard to them. But it turned out that there was also territory held directly under the native Governments, in which no one claimed a character analogous to the Bengal Zemeendars. The Bengal Government got over the difficulty. If there were no Zemeendars, they must be created. Convenient estates were to be partitioned off, assessed, and sold by auction; and some were so sold under the denomination of Mootahs.

But the feeling was strong at Madras against this mode of settlement. It was urged that communities existed with whom a settlement should be made, with the whole body jointly if they could and would take the contract, or, if not, that it was better to rent the villages to their native headmen than to strangers. Even where permanent settlements were concluded the Madras Government directed an investigation and registry of subordinate rights.

Village settlements.

I quote the following from the 5th Report, and it has been referred to by several authors:—"The mode of settlement introduced by Mr. Place into the Jagheer was that of village rents on the produce being commuted for a money payment. The parties who entered into engagements for the rents of villages were those who held the principal shares of land, and these jointly, leaving it with those who possessed fractional shares, or, in

other words, those who were entitled to a portion of the shares, to adjust their rights among themselves -- each man's right and place being well known to one another; the collector contenting himself with the exercise of that superintending authority which enabled him to redress disputes on this subject when preferred in the form of complaints. He could easily fix the value of all the lands together of one village; but he did not feel himself competent to assign to every small allotment its portion with sufficient exactness, and regard to fertility of soil and other circumstances.

"The next two settlements in the Jagheer were also on the principle of village rents.

"The revenue derived from the Jagheer during the four years it was under the management of Mr. Place was far greater than had ever been received from it since it had been granted by the Nabob.

"It appears that annual village settlements, on a still more accurate estimate of the produce, continued to be successfully made until the lands were permanently assessed in 1802-3."

I have given this passage to show that, whatever may have been the state of the communities in Bengal, actual vital working communities were overridden at Madras by the Zemeendaree and Ryotwar systems, and rights were sold to new Mootahdars which belonged to others. Such is the obstinacy of men following preconceived ideas.

It is a pity that Mr. Place's system was interrupted by others, or we might have had prosperous communities and a prosperous state of things at Madras at the present day.

Another system had already its advocates at Madras, the Ryotwar. It was, in fact, a dissolution of the corporate character of the communities. The settlement was no longer made with them jointly, but with each individual separately; in fact, Government assumed all the functions of an immediate land-

The Ryotwar system.

lord, and dealt with the individual cultivators as its own tenants. The Ryotwar system in Madras seems to have originated with Tippoo, who destroyed all superior tenures, and tried to get as much as possible from the individual cultivators. Most of the communities were in a disorganized and impoverished state; they could only have been brought back to working order by much care, attention, and cherishment; we had yet had little experience of them in their perfect state, and therefore did not understand them; and the other system secured theoretically more exact justice and a larger revenue, without regard to the difficulties of its working. Hence, in a part of the country where the communities were not perfect, there arose (in the commission in which Monro commenced his services) strong arguments in favour of the Ryotwar plan. The course was to survey in a native way all the land, to classify it, and to fix the maximum money rates to be paid by it, and then each year to charge each tenant for the quantity of land in cultivation at these money rates in lieu of the previous grain rent. The rates fixed were the maximum or standard, subject to reduction when the crops were bad.

This commutation seems, however, with poor tenants a doubtful advantage. Under the former system the object was not to pay in kind for want of money, but rather to make the rent vary with seasons and circumstances. Grain in India is almost as current as money, and, the produce being ascertained, the collector may receive the value at the regular "fiars" price either from the cultivators or the village grain-dealers (see *ante*, chap. III., p. 36). Of course Government under this system is liable to fraud, from collusion of its servants; but in the other case it is not less liable to imposition in ascertaining the quantity, and especially the quality of land, and still more when, from alleged unfavourable seasons or unfavourable

circumstances, the tenant is unable to pay, and the rent is discretionally reduced below the standard; for, as it has been found impossible to collect fixed rents in all seasons from poor tenants, reductions are continually made. In practice good tenants, with a little capital, prefer money rates. Indifferent cultivators, in reduced circumstances, prefer grain rates, and when money rents are fixed they break down in bad seasons. However, money rates and payments according to annual cultivation by each individual cultivator, with remissions for bad crops and bad seasons, make the Ryotwar system; and it was first tried with the aid of recent surveys, freshly made arrangements, and intimate local knowledge, and in every way under the most favourable circumstances. But both Mr. Place's village system and the Ryotwar were for a time checked by the orders from the Bengal Government and the partial introduction of the permanent settlement.

When the North-West Provinces were annexed, Lord Wellesley ordered a permanent settlement there too; but we now began better to understand landed tenures and interests, or rather to be aware of our want of information. The Commissioners appointed to carry out the permanent settlement in the north-west strongly objected, and, being urged, resigned their appointments. Others were appointed; but in the mean time the Home Government had discovered their error. Stringent orders were received prohibiting permanent settlements, and at this period (1807–8) the system of village leases came into vogue. Both in the north-west and at Madras triennial leases on this principle were tried.

The North-West Provinces.

But difficulties at Madras, in the way of their immediate success, have been already indicated. The country had suffered much from war and misgovernment; the villagers were frequently as yet unprepared to prefer the risk of fixed money leases to the

Madras.

secure and easy mode of rendering a proportion of the grain; and above all, the communities were not generally understood and not properly managed. The settlements were sometimes made with the communities, sometimes with the head-men as renters, sometimes (and most frequently) both refused, and the cultivators were left entirely at the mercy of mercantile renters, who were authorized to levy the full maximum survey rates without any reduction at all, or about half as much again as was actually collected by Government. No wonder that the villages, instead of improving under such a system, became worse.

In short, the result was not at first satisfactory. Instead of persevering, giving the villages a fair trial and the benefit of a few years of peace, good management, and easy rates, in order to regain their original vigour and constitutions, the system was changed. The Ryotwar system on a comparatively small scale, and under the immediate eye of its first projectors, had acted wonderfully well. Monro, its enthusiastic advocate, went home, the fifth report was in its favour, and in 1813 orders for its introduction went out. Presently Monro was appointed Governor; and from 1820 the system was made general throughout the whole of the Madras Presidency not already permanently settled.

Adoption of the Ryotwar system.

I reserve a more particular account of the result, and must now follow up the permanent settlement in Bengal. The first result of the new settlement was, that the new rights of the old Zemeendars were sold for balances. In India, under the native system, no man understands payment without pressure. If a cultivator or Zemeendar is dunned for his rent, he pays up well enough; but if merely told generally that he must pay on a certain day under any kind of penalty, he never thinks of doing so, takes the

Results of the permanent settlement of Bengal.

chance of what may befal—a new conqueror may supersede the old any day—so, the system being to leave the Zemeendars to make their own arrangements, they defaulted and were sold up. Various alterations have been made in the details of the sale law, but still the system in Bengal Proper is, that, if the money is not paid, no investigation of the cause is made, a certain notice is given, and, if that is not effectual, the estate is sold. The proceeds are applied to liquidation of the balance, and the surplus is paid over to the ejected proprietor. From the working of this system and that of the civil courts the result has generally been that, excepting one or two great Rajas, the proprietary rights in Bengal have been sold over and over again, and are now in no way derived from any old hereditary source, but are simple, transferable, and constantly transferred properties, like any chattel, and the subject of mercantile speculation.

It has also happened that, while there are still many large tenures, many have become divided, and the small estates have become smaller still, from sales, divisions, equal inheritance, &c.: so that the collector realizes his revenue from a very great number of holders, from a much greater number altogether than if each village was one estate. The Zemeendars, too, prove to be an unthrifty, rack-renting set of people, and take the uttermost farthing from the under-tenants. Yet, now that estates are so much speculations, it is probable that mercantile speculators possessing capital sometimes do what they can to keep up cultivation and turn the land to the best account, so far as they can manage properly with the tenants. On the other hand, the rights of the inferior holders have been utterly swept away and disappeared. No efficient provision was made for them. It was, perhaps, intended that they should claim their rights in the civil courts; but in practice all such rights have long since ceased to exist.

Government have by law made a distinction between ancient and new cultivators: the former have the right of possession at market rates of rent so long as they pay regularly. But so to fix the rent is very difficult; the cultivator's only remedy is a regular suit in the civil court; and the enactment has been in Bengal for the most part inoperative, especially as there was no provision for the maintenance of village accountants, and the cultivators are in every way left at the mercy of the Zemeendars.

Another tenure, called the Patnee, has been established of late years by some of the great Zemeendars, with the aid of Government enactments, and it is very common in Bengal.

The great Zemeendar, for a consideration, makes over a portion of his estate in feu to another, subject to a perpetual rent, payable through the collector, who receives it on behalf of the Zemeendar, and, if it is not paid, the interests of the Patneedar are sold by the collector. These, again, have sub-Patneedars, and the system has become very much in vogue in certain districts. The parties are like the Irish middlemen, and the last screws the tenant to the uttermost.

The assessment was necessarily, with so insufficient information, very unequal, and the system of non-interference and non-registry of landed property has led to great frauds and loss to Government. The estates turn out to be neither villages, nor clusters of villages, nor portions of a village. Each man's property was registered as an estate, even if it consisted of shares or lands in a dozen different villages; and there being no means of identifying these estates or portions of estates, it happened that not only all bad bargains were thrown back on Government, but land was fraudulently transferred from one estate into another.

In selling portions of land for arrears, and in dividing

estates, it has constantly happened that the good estates have been made better, and the bad ones worse, and then the latter are thrown on the hands of Government. So especially in regard to the revenue-free holdings, already alluded to; they are constantly increased at the expense of neighbouring revenue-paying land. When an estate is sold, it often happens that the purchaser can nowhere find it, and the collector gives him no assistance. The neighbouring proprietors tell him they know nothing of it, the river has probably washed it away; and he can only sue in the civil court for what he can prove to have been the estate of the late proprietor, who probably plays into the hands of the opposite party. The collector does not even interfere to ascertain the names of present proprietors: he registers changes by sale, &c., which come officially under his cognizance; but, excepting in such instances, the names may not have been, and often have not been, changed for generations if the money is paid. Altogether it is clear that some estates have now land and rentals immensely out of proportion to the revenue paid by them, while others barely pay or do not pay at all. One result of the frauds and irregularities which I have mentioned has been that a great many estates are now in the direct management of Government. It has also a right to land newly thrown up by the great rivers, if the collector can find it and substantiate his title. These form what are called the "Khas Mehals," and so sensitive is the Government of the evils which have resulted from the permanent settlement, that in regard to them it seems to run to the other extreme, and will not let them in any shape go out of its own hands. They are now regularly and carefully surveyed, and are either managed in the first place after a Ryotwar fashion, or (as is now the general rule) the rents are farmed to speculators for fixed periods. But this system seems

Estates in the hands of Government.

little better than the first. There is some medium between a blind bestowal of absolute rights without information, and a proper creation of a limited interest in the land, with full information, subject to the supervision of Government, and liable to periodical revision of revenue.

Surveys now in progress.

The evil of the absence of boundaries, or any other means of identifying estates, has become so crying that there has been lately instituted a definition of boundaries and survey which is now in progress in several districts of Bengal. Yet Government is always so accessible to a cry of vested interests, interference with private rights, and breach of faith, concocted on every occasion by European abettors of Europeanised Calcutta Zemeendars, that it remains to be seen whether they will carry the measure out to a sufficient extent and with sufficient firmness. As yet no provision has been made for maintaining the boundary-marks which have been set up.

Revenue-free lands.

I have explained the revenue-free lands as they existed at the time of the permanent settlement. The provision then made to enable collectors to claim Government rights was wholly insufficient, and for the next five-and-twenty years nothing effectual was done; but at the end of that time Government at last took the subject up seriously. All actual grants of former Governments, and revenues in possession for a moderate time before our rule, were still to be upheld; but frauds of a later period, involving an enormous loss of revenue to Government, were to be investigated; and special commissioners were appointed to decide, under the rules originally promulgated, the validity of the tenures. Unfortunately the long delay in making the investigations had established in their seats the fraudulent appropriators of the revenue; and when it came to be taken from them,

the measure caused great change and apparent hardship to individuals in comfortable circumstances: hence arose a great cry of hardship and injustice. We were still most apt to view with sympathy the misfortunes of the higher classes; many soft-hearted officers of Government exclaimed against the sudden deprivation; and some of the seditious Europeans, who find their profit in professional attacks on Government, raised the cry much louder. But the worst of the storm had expended itself. A little firmness, a little voluntary beneficence to individual cases, and it would have ceased; and the temporary inconvenience to fraudulent individuals would have resulted in great permanent addition to the means of the State; but the Bengal Government is pusillanimous. Since Warren Hastings was persecuted in doing his duty, and Lord Cornwallis praised for sacrificing the interests of Government and of the body of the people, it has always erred on the side of abandoning its rights to any sufficiently strong interested cry. It wavered about these resumptions. It let off first one kind of holding, then another, then all holdings under one hundred beegas (about seventy acres), whether one man possessed several such or not; life tenures were granted where no right existed; finally, *all* resumed lands were settled at *half* rates in perpetuity; and the Board of Revenue intimated that they "would be happy to see all operations discontinued." The result therefore is, that the Government have incurred all the odium and abuse of the measure, have given the cry more colour by so much yielding, and in the end have got not half so much revenue as they ought to have had. There has been an addition of about 300,000*l.* to the annual revenue, at an expense of 800,000*l.* Altogether, from resumptions, the settlement of Government estates, and other sources, there is a considerable increase in the Bengal rent-roll during the last fifteen years.

In 1835–6 the land revenue was about 3,170,000*l.*; in 1849–50, 3,506,070*l.*

Duties of collector in Bengal Proper.

A Bengal collector of the present day has no tehseeldars. For local investigation, when required, he employs special ameens, or native deputy collectors. He is not supposed or required to know anything about the interior of his district. He sits for the receipt of revenue, which the Zemeendars must pay on certain days; and if it does not come he asks no questions, but advertises the estate for sale, as it stands in the list. He has, however, other miscellaneous duties. The Khas Mehals, or estates owned by Government, of course give a great deal of trouble, and he has all the details of their management. Then he has to decide a large number of summary suits for rent; but the essence of these suits consists in the existence of public registries, accounts, and accountants, to which easy reference can be made; and, in the entire absence of all these, the means of deciding the suits in a summary way are very unsatisfactory. He ought to hear suits for over-exaction and unjust ejectment from land; but in the destruction of all rights, and absence of all registers, these two last species of summary suits seem very little used, and the Court is for the most part only made use of by landlords. Having decided the suits, the collector enforces the decrees. He has also a great deal to do as "Court of Wards" for the management of the estates of infants and incompetent persons, and has many other miscellaneous duties generally mentioned in describing the distribution of offices. Districts have been added to Bengal in which different systems are pursued. Cuttack is, I believe, on the village system. Chittagong (a peculiar province) and Behár differ in population, and in some things in management, from Bengal; but as all are more or less on one or other of the different systems which I shall describe, I

need not farther particularise them than to say that they affect the amount of revenue received at different periods, and add to the Bengal rent-roll.

Present working of permanent settlement.

The general view of the present working of the permanent settlement, shown by the last Reports, proves that, the Bengalees now understanding our system, and the bad estates having long ago fallen to Government, the revenue is realised with considerable punctuality. A good many sales for arrears still take place, but they are principally of small estates. Some, probably, are permitted to go to the hammer by those wishing to dispose of them, and to give a good title to the purchasers. Remissions are still occasionally made on the ground of natural calamities, but they are small in amount. The regularly settled estates of 1848–9 bore a rent of 3,45,98,603 rupees, of which upwards of 90 per cent. was realised within the year, along with 87 per cent. of the last year's balance, showing that the greater portion of the 10 per cent. current balance is the portion due at the end of the year, and collected in the next year. A little more than 1 per cent. was remitted or transferred to "Defaulters' Register."

On estates the property of Government the demand was 16,78,642 rupees, and there was collected within the year 16,09,462 rupees.

Of the total demand on account of land revenue the whole is eventually realised within 1 to 1½ per cent. 1169 estates, bearing a revenue of 3,87,938 rupees, were (in 1848–9) sold for arrears, of which 128 were bought in by Government at a nominal price, and 1037 were purchased by individuals for 11,57,807 rupees, or something less than four years' purchase on the revenue.

It seems that no less than 10,872 under tenures, principally the Patnees already alluded to, were sold by the collectors.

Cost of collection.

It might have been supposed that on the Bengal system, there being no establishments in the interior of the district, and the Government interfering so little, the expense of collection would at any rate be small; yet it appears that disorder is as expensive as highly perfected order, for the charge of collection and revenue establishments in Bengal is higher than in the North-West Provinces, one being above, the other below, 9 per cent. on the receipts. The last account for Bengal gives—

Receipts—Land and Excise together	Rs. 3,80,92,100
Charges	35,57,300
Percentage charges .	

The great argument in favour of the permanent settlement is, that during our possession Bengal has exceedingly increased in wealth, population, and cultivation. Wealth has undoubtedly accumulated in a certain superior class, to whom our rule is most favourable; and population, cultivation, and the receipts from rent of land, have largely increased—so that Government realises a [illegible] small proportion of the rent, and the rest is private property. But the mass of the population is probably poorer, and in a worse social position, than anywhere else in India; and it may be that the country has increased in population and resources in spite of, or independent of, the settlement. That a portion of the revenue, instead of being taken by Government, is remitted in favour of individuals, is of course a source of wealth—but directly at the expense of Government, which is obliged to lay it on in other ways.

Degree of prosperity in Bengal.

If we had the land revenue of Bengal, now [illegible] wealth to the higher classes, we need not tax ([illegible] former instance) the salt of the population; and [illegible] dition of the mass of the people on the land

could not be worse. They benefit in no way by the settlement.

To account for the increase of population, and consequent cultivation, we must remember that upwards of eighty years' protection from external war, with the absence of any great internal calamity, must always lead to great multiplication of the people.

Bengal is a comparatively recent country rising from the sea, and Mahommedan history shows it to have been much advancing throughout the last two or three hundred years; its weak people had long been the prey of the Marattas, or any other invader; and it had just been afflicted with a dreadful drought and famine, which had destroyed a great part of the population, and thrown it many years back.

We therefore undertook its charge when it was not fully peopled or cultivated. We have entirely protected it from external invasion—there has been no great year of drought—and it has progressed greatly; yet it is not necessary to attribute the progress to the perpetual settlement.

After all, too, the fertility, population, and productiveness of Bengal have perhaps been exaggerated. I believe it will be found less populous and productive in proportion to area than Upper India. It certainly yields a much smaller land revenue, and from what I have heard of rents in Bengal I believe that even rent, as distinguished from revenue, is much lower than in the best districts of the Upper Provinces.

Land revenue system in the North-West Provinces.

I now go on to describe the revenue management of the North-West Provinces. Zemeendars, in the Bengal sense, were only here and there to be found, and we began to look to rights of others, nearer the soil. Still we seemed to suppose that one party or other must be absolute proprietors.

The village communities not being universally perfect, there was a scramble for recognition as proprietors among different parties. The village system was so far adopted that it was determined to make the settlement of each village separately. But each village might be claimed by a district Zemeendar, or by village Zemeendars, or by a perfect community, or by the headman of an imperfect community, or, finally, fraudulent claims were put forth, and their own names were fraudulently registered by officers of the native government or our own employés, or by Mahommedan Jagheerdars, and others. We commenced in a very lax way, and many parties had established themselves by continued possession before their rights were accurately investigated.

In many instances, where great Zemeendars existed, the perfect communities subsisting under the Zemeendars survived to establish their claims when a more detailed settlement was made. Several successive leases were made for periods of from three to five years with proprietors or farmers, before a regular settlement was effected. The estates were, as in Bengal, held liable to sale for arrears, and possession of many was acquired by fraudulent sale and purchase by native officers of our Government. It was not till some years after (1821) that Government became so much alive to this latter injustice as by special enactment to create a commission charged with investigating, and, if fraudulent, reversing, these transfers. And a great deal was done to remedy the evil.

But the Government, having now become sensible to the evils of the previous system, and aware of the rights of different parties, determined to devise a remedy, and to ascertain and put on a secure footing all tenures by a detailed survey, a settlement for a long period, and an investigation and registry of rights of all sorts. With this view the well-known Regulation VII. of 1822 was

enacted. It was the work of the Right Hon. Holt Mackenzie. It was intended to combine the advantages of the Ryotwar system with that of village leases. The land was to be minutely measured and classified, and rents, &c., were to be ascertained; all of which was to be registered for the thorough protection of the cultivator. But this done, Government was not to undertake direct dealings with each individual, but to settle with the proprietors, whether particular individuals or corporate communities, for a fixed sum, to be paid by each village. The assessment was to be formed after the manner of the system projected by Akber, on exact calculations of the quantity and value of grain produced by each description of soil, and to become a mere matter of arithmetic; and a liberal marginal profit was to be left to the proprietors between the gross rent and the revenue assessed, to cover their risk and create a valuable and marketable proprietary right—for it has been a great object throughout to create a valuable property in the land, which should be the security for payment of revenue, and afford the means of obtaining capital for improvements. The collector was also vested with judicial power to determine in the first instance (subject to appeal to the civil courts) the nature of all landed tenures and rights, and to register them accordingly in great detail. Regulation VII. of 1822.

Such was the scheme on which the present revenue administration of the North-West Provinces is on the main founded, and which is in fact that of Sher Shah and Akber, excepting this important difference, that, while they only settled with the cultivating communities, we have admitted in most instances middlemen as proprietors.

But unfortunately its authors had neglected to provide the requisite machinery for its execution. It was found that the collectors, with their many duties, could not

accomplish the details of many villages in many years, and for ten years the regulation was not rendered effective. At the end of that time Lord William Bentinck coming up the country the thing was again seriously taken up, and Regulation IX. of 1833 was promulgated, under which the present settlements were made. Regulation VII. of 1822 is still the groundwork, but the new class of native deputy collectors was created, and through them most of the details of the settlement are carried out. Some further provisions for mapping, &c., were introduced, and the original plan for making assessments by pure arithmetical calculations was abandoned, as it was found that equitable assessments could not be thus obtained, and admitted that it must, after all, be matter of discretion and judgment, the data obtained being used to assist the judgment, not to control it.

Regulation IX. of 1833.

Separate settlement officers were appointed, with no other duties. A great man, Mr. R. M. Bird, member of the Board of Revenue, arose to carry through the settlement. Its progress, as it advanced, became accelerated, and from 1838 to 1842 one district after another was finished, till in the latter year the settlement was complete throughout the provinces—twenty years after it was first designed.

The present settlement.

It was made at first for twenty, but has latterly been extended to thirty years in all cases.

The origin of the tenures has been traced, and the first changes by sale alluded to. During the last twenty years, the transfers by sale for arrears of revenue have been comparatively few. But there has been an immense change of property from the operation of the civil courts and considerable private transfers. Land having been made marketable and auctionable in execution of decrees, and our civil courts having given an immense advantage to creditors (who lent on exorbitant

Tenures as they now exist.

terms on bad security, and realise from good security), for one sale for arrears of revenue there are a hundred by order of the civil courts. Hence in the north-west, as well as in Bengal, a great deal of landed property is now held as a mercantile speculation. It can always be bought in the market, and is a common investment of money. Still the old holdings have not by any means, as in Bengal, been altogether swept away, and this is their condition.

Proprietary cultivating communities.

It has been supposed that the Agra Presidency is the stronghold of perfect village communities, and that they are there universal. This is a mistake. In the Dehli territory (which was not till afterwards added to the Regulation Provinces) they are general, and that country will more nearly fall under the description which I shall give of the state of things in the Punjab. But in other parts they are by no means universal, and many have been permitted to fall to pieces. In some instances simple communities have been made perfect by the assignment of shares to the cultivators, and settlement with the body under a joint responsibility and the headship of the chief inhabitants, but in most such villages some intermediate person has succeeded in establishing himself as Zemeendar.

Perfect communities exist more or less everywhere, and are very numerous in some parts of the Doab and in Lower Rohilcund; but I have ascertained, from a comparison of settlement reports, what I always suspected, that in general this (called the Bhyacharah, or brotherhood) tenure, now forms but the smaller proportion of the whole number of villages, and that in the greater portion of the North-West Provinces intermediate proprietors exist between Government and the actual cultivator. The perfect communities are less common than they were, on this account, that, while few new ones are formed, the old ones are always liable to dissolution by sale of fluc-

tional parts. Government not only is now most lenient, and very seldom sells for arrears, but has provided by enactment, for all shared villages, that the shares of defaulting members may be simply transferred to the solvent members. This is as it should be, and is only equitable in a common property, and as a recompense for joint responsibility. But the civil courts are bound by no such rule. They sell the rights and interests of individual sharers to a stranger without the least compunction, and a stranger once introduced into one of these communities the seed of dissolution is sown.

Proprietary families.

The most common tenure of all in the north-west is that where a village belongs not to a single individual but to a single family. In this case the great proportion of the land is cultivated by tenants, and the sharers have not their shares separately divided off—the tenants are the tenants of all in common. The proprietors generally live in the village, and their own cultivation is taken into account at lower rates. The whole collections are brought together, the revenue paid, and the surplus divided among the proprietors according to the fractional share possessed by each. When there are many proprietors, one or two are chosen representatives and managers. This is what I have described as the village Zemeendaree tenure.

In a single village there are often two or three separate divisions or pattees, and it is called Patteedaree; but each division is either a Zemeendaree holding, or a Bhyacharah* community, and the Patteedaree is hardly a separate tenure.

Ancient tenants.

The only other tenure to be mentioned is the distinction between ancient and modern tenants, already noticed in Bengal, but here practically ope-

* The broad distinction of tenures is this, that the Zemeendaree (of whatever character) is where the ground is cultivated by tenants *under* the proprietor, while the Bhyacharah (the perfect community) is where the proprietors and cultivators are identical.

rative. Every tenant is recorded with his holding and his rent, and ancient tenants cannot be ousted so long as they pay the registered rent. But the rent can be increased by suit in the civil courts.

The mode of settlement is this:—First, the boundaries of each village are decided, and well and permanently marked off; for the settlement is to be made village by village: and this is the first and most necessary step. Mode of settlement.

The *professional* survey then passes over the district, by which each village is scientifically mapped off by its exterior boundary, and the total area exactly ascertained. Surveys.

Next is made the interior (not scientific) survey of each village by rod and chain. Each field is registered with the name of the cultivator and proprietor, its dimensions and area, the nature of the soil, and the rent, if rent there be, and a very precise map is made of the whole.

This work is very carefully tested and retested by the superintending officers, as upon its accuracy rests the whole.

When it is completed, the fields of each cultivator are added together, and a list of cultivators is made out, showing what each holds, what rent or proportion of revenue he pays in money or grain, and whether he is an ancient or modern cultivator, or a proprietor. Another list is made out of the proprietors, specifying particularly the share, rights, and nature of the holding of each proprietor; and whenever disputes arise in the course of this process they are judicially decided. Registry of rights.

All this done, the assessment must be made. The settlement officer has the record of all former payments, the exact measurement and specification of the land, the rents paid by the tenants (if there be inferior tenants), and the advice and opinion of all supposed best to know the village. He is, as a general rule, Assessment.

to allow 30 or 35 per cent. of the gross present rental, for risk and profit to the proprietor, and the remainder of the rental is the revenue assessment. He probably fixes fair rates on the land, calculates the total amount, and compares the result with the estimated value of the village, or *vice versâ* calculates the rates given by estimated values, and compares the result per acre in adjoining and similar villages. Taking care then that all discrepancies are accounted for and explained, and giving, after all, some consideration to the class and character of the proprietor—to men hitherto considered, and to certain classes who must be lightly assessed to keep them out of mischief—taking everything into consideration, he fixes the assessment. If the proprietors object, he hears their objections; but if these avail not, they must either agree to the terms or give a written refusal. In the few cases in which all negotiation ends in the latter result, the proprietors are entitled to 10 per cent. of the revenue, and sometimes get more, and the village is rented to a farmer. But in all ordinary cases the proprietors sign the agreement of lease, and the bargain is concluded. The assessment is in one sum for all the lands, cultivated and uncultivated, in each village, and the proprietors may bring as much as they can into cultivation without any additional payment.

The assessment fixed, the settlement officer causes the election of managing representatives, and records their powers, &c. &c.

Lastly, he draws out the administration paper of each village, showing in full detail how the revenue is to be distributed and collected, what each proprietor is to pay or to receive, how every matter of village detail is to be managed, what are to be the future relations between the proprietors and the different classes of tenants, the remuneration of the village servants, and everything in short that can be regulated by rule.

Administration paper.

In fixing the assessment he makes provision for the maintenance of a village watchman, and a village accountant. The latter is supposed to be the common accountant of Government, the proprietors, and the tenants. The proprietor nominates him. The collector approves of the nomination, and objections of the tenants are heard. Once nominated he can only be removed for misconduct, and a son, if as well qualified as any one else to succeed his father, has naturally a preference, from being in possession of the family papers, which give value to the office as hereditary.

Village and district accountants.

Canoongoes or district accountants are also appointed over each fifty or a hundred villages, as superintendents of the village accounts and accountants.

For the purpose of working the settlement, it is provided that the village accountant shall annually file in the collector's office papers corresponding to those originally made by the settlement officer, showing all changes in cultivation, deaths, successions, &c., and rents, payments, and balances of the cultivators. These accounts are open to the inspection of all interested, and no summary suit for rent is entertained unless the papers for the previous year have been filed.

Annual continuation of the settlement papers.

At the same time as the settlement, the claims to rent-free lands are adjudicated. The survey has brought all these to light, and shown their exact measurement, and they are either rendered liable to assessment, or confirmed on recorded terms. The remarks in reference to these holdings in Bengal are to a considerable extent applicable here, except that they were not of so long standing, and that something at least has been decided as to *all* lands so held, without so great vacillation.

Revenue-free lands.

During the survey the opportunity is taken of arranging conveniently the boundaries of districts and of minor divi-

sions. As the settlement of each division is completed, the settlement officer makes over to the collector all the maps, papers, &c. &c., signed by himself, the proprietors, the accountant, and as many tenants as possible, and his functions cease.

This settlement having been now in operation for a series of years, it is necessary that I should give some particulars as to the mode of working it, and opinion as to the result.

Mode of working the settlement.

A collector in the North-West Provinces has under him an efficient establishment of tehseeldars of sub-divisions, and, with their assistance, exercises a minute control over, and has a minute knowledge of, all the affairs of his district; he is the protector and superintendent of the landed interests and of the people connected with them. There are eight or ten tehseeldars in a district, each collecting, say about on an average 20,000*l*. The collector does not quietly wait for the cash, and sell the estate if it does not come; he takes every possible measure to get the money, and, if the proprietors do not pay, he is instructed to send for them, and to investigate and exactly ascertain the reason why. If, as is most frequently the case, it be some quarrel among themselves, and consequent stoppage of internal machinery, he settles it, or procures it to be settled; any other cause in his power he removes. For special and good reasons he may in rare instances deem it expedient to grant a little delay; but if he finds it to be really the fault of proprietors, he tries transfer of shares from good to bad sharers, or lets the estate temporarily to a farmer, the rights of the proprietor being in abeyance till better times, but not extinguished. All the efforts of the collector and tehseeldars are directed to avoid the extreme measure of forcible alienation by sale; but if the proprietors seem really incorrigible, and fit to be got rid of, the collector reports the case, and gets sanction to selling the estate.

An equal assessment having been made, and a large marginal profit allowed, this is supposed to cover the risks of unfavourable seasons, and to make such coercive measures as I have described uncommon, as, in fact, they are. If in any rare instance a collector should find that an assessment is really too high, and that failure of payment is not the fault of the proprietors, rather than unjustly sell, he will report the facts, and any other means will be tried; but Government is very reluctant to alter the assessment once deliberately fixed, because it is such a bad precedent, and brings so many other applications. Such instances, therefore, very seldom occur.

It was the great misfortune of the settlement that just in the midst of the operations occurred the distressing drought and famine of 1837–8; this threw things back very much, but they have since recovered. Unfortunate famine in 1837–8.

The principal difficulty has been experienced with some strong Rajpoot clans, frequently occupying a number of conterminous villages. These Rajpoots, having been spoiled by former prosperity, are not nearly such good cultivators or so well behaved as the Jats, &c., and when, from their own fault, they fail in the revenue, they are apt to try to prevent any other mode of management, to deter farmers and purchasers by combination, menaces, and violence. In such cases it is necessary for Government to interfere with its own strong arm, and to take direct charge of the villages; but this proceeding is always attended with loss and inconvenience, showing the evil and diminution of revenue which would attend a Ryotwar system. Refractory Rajpoots.

The settlement has certainly been successful in giving a good market value to landed property. It is saleable for considerable sums, small, no doubt, in proportion to English purchase-money, but then Marketable value of land.

the tenure is a wholly different one. The average result of sales seems to give about four years' purchase on the revenue, which, supposing the net profit to be one-third of the revenue, would be twelve years' purchase on the profits, and is as large as the usual yield of sales in Bengal.

The settlement has secured a very punctual realisation of the revenue (more so than does the permanent settlement of Bengal), and at the same time has left large profits and means of wealth and improvement to most of the proprietors. It has very greatly stimulated cultivation, and it has efficiently protected the rights of the cultivators; it is, in short, infinitely better than anything we have hitherto seen.

On the other hand, there are yet matters which will be improved next time; and it makes us wonder the more at the incredible rashness with which the Bengal settlement was made perpetual, when we see that, with all the infinitely greater means and information we possessed in the North-West Provinces, we could not have wished the present settlement to be perpetual. It is not to be said that the assessments are yet by any means uniform; all have a profit, but some have a very small profit and some a very large one, and the value of estates is *very* different; some are barely paying speculations, some bear a very high price.

Imperfections of settlement.

Then, as to the registry of rights. It turns out that, even with all the time and trouble which was bestowed on them, they are so very complicated and numerous that they have been in many instances hurried over or mistaken. The proprietors have sometimes foolishly concealed the real state of things, and thus caused errors and omissions; these are discovered as the accountants' annual papers come in, and the collectors have had a great deal to do in putting them to rights.

A principal duty of the tehseeldars is to teach the

village accountants and to get the papers required under the new system correctly and clearly made out. It has been hard labour, but the accountants are beginning to understand it, and a very exact registration is now kept up. The collectors' Summary Suit Court is much resorted to, not only for realisation of rent, but by tenants and inferior holders complaining of exaction or unjust ejectment, and, with the aid of the records and accountants, and a very summary mode of procedure, the cases are very easily disposed of. It is, in fact, a court every way suited to the country. The parties are brought face to face, the records and the accountant are examined, and a skilful officer will soon have no doubt about the facts. Many of these cases are tried by the tehseeldars.

Summary Suit Court.

The knowledge of all particulars of rights and holdings is now not only efficiently maintained, but is rendered from year to year more exactly correct; for, not only is so powerful a machinery kept up for the purpose, but, as the whole land has been marked off and settled with different parties, there remains nothing between the people and Government in which the former can defraud the latter. All questions of right to land, &c., are now between individuals, and if one man were to gain another must lose. Each is therefore tenacious of his rights; and the collector's summary judicial powers enabling him to decide at once all disputes, and to register the result, he keeps everything in its place, and becomes fully cognizant of all that is going on.

If the annual papers are well kept up, at the end of the thirty-year leases, that is, some fifteen or twenty years hence, we may approach much nearer to perfection. I imagine that nowhere in the world does so minute and exact a public survey and record of rights exist.

The following Table shows the General Statistical Result of the Settlement of the Regulation Districts of the North-West Provinces.

Number of Mouzahs or Townships under Assessment.	Area in British Statute Miles.	Assessed Land in Acres.		Unassessed Land in Acres.		Revenue Demand in Pounds Sterling.	Rate per Acre on Total Area Assessed	Rate per Acre on Cultivation.	Gross Collections in 1846-7.	Charge of Collectors' Establishments.	Per-centage Charges.	Population.				
		Cultivated.	Culturable, Waste, Pasture, &c.	Revenue Free.	Barren Land, Rivers, Roads, Villages, &c.							Hindoo.		Mahommedan.		
												Agricultural.	Non-Agricultural.	Agricultural.	Non-Agricultural.	Total.
						£	s. d.	s. d.	£	£						
80,883	71,985	23,112,183	9,816,749	1,733,443	11,408,283	4,052,992	2 5½	3 6	4,053,516	261,726	6½	13,127,956	6,324,690	1,596,277	2,150,745	23,199,668

The following may also be interesting:—

TABLE showing the Average Produce per Acre in pounds avoirdupois of two Districts.

Name of District.	Wheat.		Barley.		Millet (Rain Crop).
	Irrigated Land.	Unirrigated Land.	Irrigated Land.	Unirrigated Land.	
Seharunpore .	1634	1080	1332	1098	522
Agra . . .	1234	..	1224	928	754

Average Retail Prices of Grain in Agra Bazaar, giving number of pounds per rupee (or 2*s.*). Grain seems from this statement to be dearer at Agra than in most parts of the country.

——	Wheat.	Barley.	Millet.	General Average of Grain.
Number of Pounds per Rupee	61	82	78	70

Percentage of Caste of Village Proprietors in Zillah Agra.

Europeans	2¾	Brought forward . .	64
Merchants	6	Jats	11½
Writer Caste	6¾	Nomad Castes	11
Bramins	22¾	Mahommedans	7½
Rajpoots	25¾	Other Castes	6½
Carried forward . .	64		100

Agra is more than most districts composed of Bhyacharah villages, for the following is the per centage:—

Bhyacharah tenures . .	57½
Zemeendaree tenures . .	42½

and the total number of proprietors is 20,300.

As the Agra district is a dry country west of the Jumna, the cultivation is somewhat different from most districts. There is a great deal more cotton than usual, and less of

many other products, sugar-cane, wheat, &c. But the following statement shows the percentage of land cultivated with different crops in that district:—

Rain Crops.		Cold Weather Crops.	
Cotton	14 per cent.	Wheat	13½ per cent.
Millet and similar grains	46 ,,	Barley	11¼ ,,
Indigo	1 ,,	Gram, a kind of pea	11 ,,
Sugar-cane	1 ,,	Vegetables, tobacco, &c.	1¼ ,,
Rice	½ ,,		37½
Indian corn	¼ ,,		
	62½ ,,		

There is in this district less irrigation than in most others, and the water is far from the surface.

Number of masonry wells, 5263.
Average depth of water from the surface, 39 feet.

Generally speaking, rents in the North-West Provinces vary from 2*s.* to 2*l.* per acre; tolerably good grain land is generally from 4*s.* to 10*s.*; good cotton land is not to be had for less than 10*s.* to 15*s.*; and sugar-cane land fetches up to the highest price which I have mentioned, and even more. At Nugeenah, in Rohilcund, the sugar-cane land sometimes brings as much as 3*l.* 10*s.* per acre. About one-third of the whole cultivated land is irrigated from wells.

The cost of the settlement of the North-West Provinces was as follows:—

Professional Survey	£220,000
Settlement Establishment	320,000
Total	£540,000

While the burden on the people has been equalised and eased, the increase of revenue from the new settlement has been considerable, as is shown from the following statement of the average collections for five years before and after the completion of the settlement of the North-

West Provinces, exclusive of the Benares districts, which were previously permanently settled:—

Average annual collections, 1827-8 to 1831-2. £3,250,072
Average annual collections, 1842-3 to 1846-7. 3,547,205

That the revenue is now collected with wonderful punctuality is shown by the following statement of balances and coercive processes, taken from a paper by a very able pen, published in the 'Calcutta Review.'

Many districts took some years to recover from the famine of 1837–8, and, of course, there were a few difficulties at the commencement of the settlement, but the proportion of revenue not realised is already reduced to an insignificant fraction of ½ per cent., and the number of sales is very few.

It must be understood that, as instalments of revenue fall due near the close of the revenue year, considerable balances appear in the accounts of each year, but these are all collected in the first weeks of the ensuing year.

STATEMENT of Balances and Coercive Processes for Five Years.

YEAR.	Percentage of Balance on Total Demand, in Decimals.	Coercive Processes.		
		Sales.	Temporary Farms.	Transfers from Solvent to Insolvent Sharers.
1843–4 . .	2·25	221	260	423
1844–5 . .	1·88	121	214	414
1845–6 . .	1·20	97	127	347
1846–7 . . .	·46	115	129	238
1847–8 . .	·48	52	41	108

It will be seen that the proportion of balances and of coercive processes is rapidly diminishing, and that the

result contrasts very favourably with that in the lower provinces after sixty years of the permanent settlement. I have no figured statement later than 1848, but the result of the later years must be at least as favourable as that now given.

Cost of collection.

The statistical return gives the cost of the full executive revenue establishments at 6½ per cent., that charge being not only for collection, but for the many judicial and other duties which I have described. The parliamentary accounts seem to include some other items along with the executive establishments, and make the whole charge about 8½ per cent., while that for Bengal is 9½ per cent.

These accounts (for the last year published), which include non-regulation provinces, and some territories now attached to the Punjab, state the land and excise revenues and charges of the North-West Provinces thus:—

Gross collections . .	Rs. 5,18,75,000
Charges	44,20,000

System in the Punjab, &c.

I shall next notice the revenue management of our newly acquired territories still farther north, which are generally administered by officers from the North-West Provinces, but upon which they have entered with the advantage of more matured experience, and in which they have found more perfect tenures, and the country and people generally in a more satisfactory state than anywhere else, so that it may be fairly expected that there will result the best system which has yet obtained.

Tenures.

Beyond the Jumna, then, the village communities are all perfect, and the people are a fine, independent, and industrious race and good cultivators, principally Jats. Each village is a cultivating body with a complete internal system of management;

each man's share is represented in fixed ploughs, or portions of ploughs, into which the village is divided, and each man has land to correspond to his share in his own separate management and possession. The grazing-ground is common to the cattle of all. Each village is represented by its Punch, or committee of management.

Village management.

Although the share of grain is the original and common form of revenue, these villages have always been accustomed to make occasional bargains in money, and common payments in their corporate character. Frequently, they agreed to pay a fixed sum in lieu of detailed assessments on the rain crop, while the cold weather grain was divided. Sometimes payments on cotton and such fine crops were compromised for one annual sum, and very often they paid a stipulated sum in satisfaction of the whole revenue. The way in which these things were managed I have explained in Chapter III.

From the revenue certain sums were invariably given to the head-men of villages, and to the heads of families, &c., as remuneration for their trouble, and to bind them to the interests of Government. These payments were designated gifts or presents, but were generally made annual by written grants, which lasted till they were revoked, and were of various amounts according to the interest or influence of the recipee. Larger sums were often given to men supposed to have influence beyond their own villages, and to form a sort of Punch of Pergunnahs, or districts. The whole sums thus given generally amounted to from 5 to 20 per cent. of the revenue. In assessing the members of the community, an additional rate was laid on for the corporation expenses. The accountant, a man of the mercantile class, was also banker of the village. The Punch drew on him for all common

expenses, lodged collections with him, and paid revenue through him, and at the end of each season he brought in his bill. If there were any common receipts, feu duties levied from resident weavers and such classes, grazing dues, or other items—it may be in disorganised times a little bit of public plunder—all such were credited. The whole sum due was then divided; the rate for the season was declared at so much per share or plough. It was also part of the constitution of the communities that, being jointly responsible and holding common rights, if one member broke down it was made up by an extra cess on the others, who at the same time have the right to appropriate his land, unless he, within a reasonable time, makes good principal and interest.

As the Punch received nothing for their trouble from the community, they charged against the village all their expenses for public purposes, their journeyings, &c. &c. All fines, and compensation to travellers robbed in their limits, were included in expenses, as was entertainment to public guests and such matters; and they generally contrived to include a little secret-service money for bribes and such like. This was the principal source of abuse and profit to the office-bearers, as it is in all corporations, Saxon or Jat; especially as they had generally a good understanding with the local Government Agents, who vouched to the community for the correctness of their charges, while the Punches vouched to the Raja for the correctness of the Agent's accounts.

Such were the communities with whom we had to deal. They liked the system of contracting in money for the revenue; we liked it, and had always adopted it; and there was no doubt or question as to who were the proprietors. We have therefore pursued the system of the North-West Provinces, with this essential difference, that there are no middlemen of

System pursued by us.

any kind. The proprietors and the actual cultivators are absolutely identical.

The first thing to be done was to make a summary settlement, or in fact a bargain with each village for the annual sum to be paid. The boundaries of villages are immediately determined, and roughly marked off, subject to future more deliberate adjustment. In making the assessment, we go on the principle of considerably lowering the sum formerly received, partly as a compensation for the greater punctuality of payment which we shall exact, and partly as an earnest of our liberal system of administration. Of course we are obliged, before survey, to trust to any means we can find for ascertaining the correct value of villages. Averages of former receipts, native measurements and estimates, former leases and general opinion, are all made use of, and the proper rent is ascertained as accurately as possible. A handsome percentage is then generally deducted, and an allowance is made to the Punch. A large crowd from the villages being assembled, the proposed assessment is declared. The Punches, as a matter of course, whether the assessment be high or low, hold up their hands and go into ecstasies of astonishment at the extravagance of the demand. It is entirely out of the question; they are ruined and undone. The late Government stripped them of everything, and they always understood that we were just and moderate, but such a demand is unheard of. They are the Company's slaves; but how can they agree to any such a sum? Couldn't be done. Rather relieve them of the cares of managing villages altogether, and they will take service as grooms to our horses, and sell their wives and children. However, all this talk blows over. Perhaps there is a general union of voices that one or two villages are more highly assessed than others, and something is reduced in their favour; a trifle may here

Summary settlements.

and there be added to the allowance to the headmen, and in the end, after some discussion and communication with other members of the community, they quietly sign the agreements and go off congratulating themselves on the good bargain they have made. If, as very rarely happens, there are broken-down villages of badly cultivating tribes, which will not agree to any reasonable terms, and prefer lazily rendering the regulated portion of the grain, the only course is to farm the Government share to a mercantile speculator. But this is to be avoided if possible, because the farmer and the community always quarrel. And if circumstances render such an arrangement desirable, it is better that the community should afterwards make an arrangement with a capitalist of their own choosing, probably the village accountant and banker, and stipulate for themselves the most favourable terms they can obtain as to the share of the produce. Presently they gain confidence, see the prosperity and easy rates of other communities, and undertake money payments. The summary settlements are to last till a regular survey and settlement can be formed after the model of the Agra system, when all the land will be exactly surveyed, all questions as to alleged disproportion of holdings with nominal shares and with payments will be satisfactorily decided, the rights of all will be exactly defined and registered, the constitution and rules of management of the village will be recorded in detail, and with the light of a survey the revenue will be fixed for thirty years. In the mean time, to facilitate the summary settlement, the collector probably causes short statements to be made, showing the shares in each village expressed in the symbolical ploughs, the names of the Punch, and the nature and constitution of the community.

At the same time with the summary settlement a alienations of revenue are registered, and as far as can

be investigated, it being now understood that this is one of the things which should be done first. All the larger assignments, and those which appear *primâ facie* without any good ground, are inquired into, and if it appear proper resumed at once without giving time for any prescription to grow up. The smaller holdings which seem to be founded on any claim which makes their continuance at all possible are left for more minute investigation at the time of regular settlement. It is distinctly understood that no one has any legal right to appropriation of the public revenue; for here the nature of the assignments could hardly be mistaken. They seldom involve possession of the land, and the assignee merely receives the Government revenue from the village community. But Government, in a generous discretion, generally takes the most favourable view of such cases, when there is any reasonable claim. It generally upholds for life in favour of old servants of former Governments, with perhaps a smaller allowance in the next generation; in perpetuity, in favour of old families and religious institutions. But it does not transform assignments of revenue, in lieu of pay for service, or to courtiers, or courtezans, or fiddlers, and other Oriental favourites, into absolute landed property, as has been done in the provinces.

Alienations of revenue.

Summary settlements have now been everywhere made, and regular surveys and settlements have been commenced. I have described the system in districts where tenures are perfect. There are variations in parts of the Punjab; but in every case the object is to bring them back as nearly as possible to what I have described. A sufficient time has not yet elapsed to enable me to show the issue of these attempts. As far as yet appears, they are most favourable, and will I hope be a model and example for other parts of the country.

Present state of arrangements.

The general result of the summary settlements I may

state to be such as to show that the revenue is realised with a punctuality and ease such as has not been experienced in any other part of the country, or under any other system, while the people enjoy rights and profits which they have not elsewhere. In short, I believe that by this system the largest revenue is realised to Government, and the least rent taken from the cultivators, since no one stands between these two parties. Yet by the corporate character of the communities Government is entirely relieved from the multitude of dealings with an infinite number of separate tenants, and the cultivators are, by their collective strength and mutual support, rescued from individual weakness and poverty; evils which ruin the Ryotwar system. It is the old story of the bundle of sticks.

Argument in regard to joint responsibility of communities.

I have reserved one and the only argument against the communities. If one member breaks down, the general community have yet to make good the whole sum, and this is said to be unjustly making the industrious pay for the idle. Now, first, it is no injustice, because this risk is taken into consideration in fixing the assessment. The community running the risk, Government is content with a smaller gross revenue than if it ran the risk itself. There is therefore an equivalent given. Second, this is not a duty gratuitously imposed. Rights and duties being correlative, the common responsibility is merely the just result of common rights. If each partner were separate, he would only have to pay for himself the higher rate due under my first argument; but he would have no claim to common advantages, no right to share the land of a dead or defaulting member; no claim to the decrease of payments from increase of cultivation, or of common receipts, which generally occurs in the course of a long settlement; in short, he would sacrifice much more than he gained.

Third, he would have no claim on the support or assistance of the community in general interested in maintaining his cultivation and credit.

Fourth, practically the members would not wish for such a separation.

And fifth and principally, it would be altogether incompatible with the system. Government could not manage the communities, there would be continual representations of real or pretended inability of each individual to pay, no one would be interested in keeping up cultivation, and, in short, we must at once fall back on all the evils and inconveniences of a Ryotwar system.

There is (admitting all arguments) but a very small and doubtful evil to counterbalance enormous advantages. In fact, the population being a fine one, the government equitable, land greatly sought after, and the assessment easy, the evil is not felt at all. We have most certainly already succeeded in giving a great money value to the land, always socially prized above all things, and, if a man cannot pay, many others are found to pay for him on receiving his land. The whole village is interested in keeping up cultivation to the utmost, for the more the cultivation the less each has to pay, and nothing is allowed to be waste which can possibly be turned to account. Independent members often come in to say that a particular person is not cultivating properly, will break down, and beg that he may be sent for, and made to arrange matters himself, or give the petitioners the use of his land, who are willing and anxious to cultivate and pay for it. There is, in fact, no difficulty whatever.

But there is one point, the practice on which is yet to be regulated, and about which I am anxious.

Liability of land to compulsory sale.

As the members are jointly liable and jointly owners of the whole village, I do not think that the land in possession of each is so far a separate property

that individuals can sell it to a stranger without the consent of the community. It never has been so sold; and if we should ever in these territories have civil courts, such as those in the provinces, and the shares are sold in execution of decrees, a very great injustice is done to the other holders, and the constitution of the village, being invaded, will fall to pieces; for no extraneous or dissimilar member will amalgamate in so complicated a machine. It is wonderful that these corporations work so well as they do, but, while accepting the fact, the most useful and profitable fact, that they do work in their native condition, we must remember that we cannot engraft on them incompatible institutions without spoiling all, and that in this way we have ruined and are ruining the communities in the provinces. No present debts were contracted on the faith of sale of landed property, for hitherto it has not been sold, and yet the cultivators have, as members of and with the assistance of the community, quite credit enough. It is by no means desirable to increase that credit by making their landed rights auctionable by civil process; such a course is incompatible with the rights and even with the existence of the communities; I think it should be as before, that if a man break down his land goes to the community, who are liable for the revenue. Creditors will then manage prudently, instead of throwing money at careless proprietors in order to appropriate their landed rights, as is every day done in the provinces. Some rights are of much greater value to their possessors than they will fetch in the market, and should not be dealt with after our mercantile fashion.

Little necessity for coercive measures.

The country on this side of the Sutlej under our protection, and on the other side under the strong rule of Ranjeet Sing, had for forty years enjoyed tolerable freedom from external war, and, the villages being strong and the government

native,* had tolerably prospered—Government taking all they could, but still the communities holding their own. Under our system the communities have received a fresh accession of vigour, the disbanded soldiers and others returned from the army have taken their places again in their villages, cavalry horses are at a discount, bullocks at a premium, and agriculture is the order of the day.

The collections have been so easily and punctually made, that there has been hardly time for settling the mode of coercion in case of default. If there is delay of payment, it can generally be set right by a little dunning and adjudication of disputed points. In the summary mode of assessment mistakes may possibly occur. If such prove to be the case, and a village bears an unfairly high assessment, the error must be fairly met and a reduction obtained; yet in the general prosperity such instances are of most rare occurrence. Again, if anywhere there are incorrigible bad cultivators, who will not listen to reason, their rights must be given to others. Sales have not yet been resorted to.

Disputes summarily decided, and village accounts filed.

The collector has of course a great deal of duty in deciding disputes in various forms regarding points which have not been recorded by regular settlement, but this is necessary to keep the machine in order, and will diminish after settlement. Under our system the Punch are less highly paid and less implicitly depended on for management than under the native government. A deputation of the commons frequently comes in, headed perhaps by an old Sikh soldier, to represent that they suspect foul play, that the Punch have charged them for imaginary hospitalities, bribes, and attendance in court, and give unintelligible accounts. The Punch and accountant are therefore required to file full accounts of all their charges, and every member may inspect them, and, if he object, may file a

* I mean "native" of the *province*, and akin to the people ruled over.

summary suit to determine the overcharge. All these disputes can, however, be brought within reasonable bounds, and satisfactorily disposed of, by a good collector with good tehseeldars. The people are very amenable to reason and to the revenue authorities, to whom they look up, and with whom they hold familiar intercourse and discussion on all points.

General induction in regard to system of settlement with corporate communities.

In the favourable account I have given of the working of the system of settlement with the village communities, it must be understood that I describe merely the facts as they exist in this part of the country. I do not assert that the result is solely attributable to the system pursued; on the contrary, I am aware that it is in the first instance founded on our finding good communities and good cultivators in existence. I only say that, having what we have, and treating it as we do, the result is most favourable; and I argue that, if the same state of things can be elsewhere attained, it is most desirable. I do not say that the communities can be reconstructed at Madras and other places, but, having seen from the reports of the first collectors that such communities certainly did exist in those parts, I am not sure that sufficient attempt has been made or well made to reconstruct and make the most of them, and think that in the sweeping orders for the general introduction of the Ryotwar system they have been wantonly broken up.

Result of Punjab settlements.

I have not detailed figured statements of the Punjab demands, collections, &c., so can only speak generally of the collections in districts with which I am personally acquainted, and in all of those I am sure that the amount of balance is next to nothing.

The total land revenue of the country beyond the Beas, as assessed for the year 1850–51, was 1,035,213*l.*, to which last sum is to be added about 470,000*l.*, revenue of

the Julinder and Cis-Sutlej territory, included in the accounts of the North-West Provinces, making the whole land revenue 1,505,213*l.*

The rate of assessment on total area is, from the large quantity of barren land, apparently small, but on the cultivated land it must, I should think, be much the same as in the North-West Provinces, and the soil, products, &c., are very similar.

As a specimen of the punctuality of collection I shall only quote the last year of the last district of which I was in charge, that of Loodianah, in the Cis-Sutlej territory, lying along the Upper Sutlej.

There had been an unusually bad season in 1848, and some balances remained at the end of the year. The season of 1849 was tolerably, but not unusually, favourable.

The land revenue demand for 1849–50 amounted to 85,000*l.* In three instances I thought that there was error of assessment, and obtained sanction of Government to a small reduction, but, this done, every farthing of the demand from the whole district, both former balances and the revenue of the current year, was collected, and I sent up statements of balances *blank*, having, by the medium of the corporate institutions, collected with this degree of punctuality from about 30,000 proprietors. I doubt whether the rents of many English estates are so punctually paid, and am sure that it is a most agreeable contrast to Irish ones.

Madras system.

We have touched generally on the state of things at Madras prior to the introduction of the present or Ryotwar system. We know that the village communities existed, and were, up to our time, in operation, in a greater or less degree of perfection, sometimes as perfect republican communities, such as those described in the north, more frequently imperfect,

with a superior body of republican Meerassidars and an inferior body of cultivators with inferior rights, or a community of cultivators under a head-man, without any Meerassidars at all.

We have seen that, after a conflict of different systems, that of village settlements was tried for some years from 1808, but not, as there is reason to believe, long enough, nor under favourable circumstances; nor was the result so conclusive as to satisfy the chief revenue officers of its failure,—on the contrary, they seem still to have defended it. Whoever at the present day wishes to be satisfied that, whatever be the merits of the Ryotwar system and of its great advocate, it rested in its origin on a considerable degree of enthusiasm and error, has only to read Sir T. Monro's minute on the state of the country, recorded in the expectation of resigning the Government, 31st of December, 1824. It must be premised, in justice to the author, that he is by no means positive of the success of his own system, fully admits our ignorance and experimental state, and only argued for a system which he expected to succeed, but which must now be judged by the result.

Argument between Sir T. Monro and Madras Board of Revenue.

In examining the revenue system introduced by him in the Madras Presidency he chiefly applies himself to confute the arguments of his own Board of Revenue. It appears that they, misguided and obstinate men, persisted in upholding the village system, and insisted that, "on the original establishment of every Tamul village (par. 4), the hereditary right to all the lands was vested in all the occupants." One (Mr. Ellis) described the country as having been chiefly a forest, but colonised by 300,000 Hindoos, of whom a large portion were of the tribe called "Vellallers;" that the Meerassee tenure, "*with all its incidents*" (that is to say, joint tenures, joint payments,

and pure republican constitution), was first introduced by these Vellallers. He had asserted that all the lands of Arcot were at one time held under the joint or "Somadayem" tenure (par. 9), which was much praised by some revenue authorities, and its breaking up into the separate individual or "*palabhogum*" tenure regarded as a calamity to the country, its happy state under the ancient system being contrasted with its present state. All these assertions Sir T. Monro disposes of as not founded on fact.

The original settlement and joint hereditary tenure of the Tamul villages described by the Board of Revenue "is assumed without the least proof, and altogether incredible," and various objections are taken to poor Mr. Ellis's fanciful theories; the joint tenure is admitted to have been at one time common, but is represented as entirely a modern contrivance; that it "originated in local circumstances;" that the Government, to keep up tanks and watercourses, may have granted certain privileges; and that the joint tenure arose out of a desire to give to each his share of the water.

He also partially falls into the very common error of supposing the joint tenures to be a sort of socialism or cultivation in common, "only existing in the rude and early stages of agriculture," and he speaks of the land as interchangeable at stated periods, just as Tacitus describes the German system.

He adds, that most of these tenures had of late years become much disorganized and broken up, whence he argues that the members must prefer the separate tenure.

Now, any one who reads these arguments, and turns to what I have described of communities and a state of things in another part of India so exactly corresponding to the description given by Mr. Ellis and other members of this wrongheaded Board of Revenue of the former state of the Tamul country—a state of things not matter of

theory in the north, but in present operation, yielding a very punctual payment of revenue, and having existed from time immemorial as the most prominent institution of a very marked race, without any trace of royal grants, or of an arrangement for keeping up tanks or water-courses;—whoever compares the two statements—the present facts in the extreme north, and the theories of the past held by the Board of Revenue in the extreme south—must admit that the Board of Revenue were in this much right, and that Sir T. Monro was wrong; that the state of things described by the Board was not incredible, but credible, as actually existing and having long existed; that the controverted constitution was no creation of modern governments, but a characteristic institution of the people; and that these Vellallers are beyond doubt a race identical in their institutions with Rajpoots and Jats. I am no witness risen from the dead, no theorist of the past, but I have been actively employed in charge of several districts of a large province, where the state of things described by the Madras Board's theory is in perfect and universal operation, and I not only say that it will work, but that it has worked and does work, for I have touched the coin collected as I have shown with a wonderful regularity.

The question should have been, not whether such institutions ever existed and were practicable (which Sir T. Monro denied), but whether they could be brought back to their original perfection at Madras; and whether, being brought back, they would be preferable to the plan for doing without them. The first of these questions yet remains: the second is, I think, answered by the results.

The village system, then, was disposed of by Sir T. Monro, who said that it had been tried and had failed, and must have failed, as it was not an original institution of the country, and was bad in itself.

The village leases having been all got rid of, on 1st

May, 1820, in pursuance of orders from the Court of Directors, the Ryotwar system was declared to be generally introduced; every possible opportunity was to be taken of getting back, on occasion of lapses and by buying in, the Zemeendarees and Mootahs, and all other tenures, into which the Ryotwar system was to be immediately introduced; and collectors were even continually impressed with the desirableness of breaking up the joint tenure wherever it existed, and entering into engagements with individuals separately—to so great an extent was this enthusiasm carried. The orders were executed; every village not permanently assessed was brought under Ryotwar management, and things so continue till the present day. The rates of assessment were at the same time reduced, and the receipts from land revenue were for some years considerably diminished.

General introduction of the Ryotwar system.

There has been since that time no important change or fresh measure of any general kind. I must therefore more particularly describe a Ryotwar settlement, or rather absence of settlement, as it exists at Madras. For the distinguishing feature of the Ryotwar system is simply that no settlement is concluded at all, but the revenue is made the most of from year to year without settlement. I must premise that there seem to be several varieties of detail in different districts, but I give the general principles.

To begin with the assessment—it is rather fieldwar than Ryotwar. The Government deals directly not only with each Ryot, but with each field. Instead of assessing each village, it assesses each plot of ground. A field, be it observed, is not in India a large piece of land, fenced and hedged, but a minute portion, suited to the minute tenantry, divided from the next by a little gathering together of the earth about

The Ryotwar management as it exists at Madras.

six inches high. Fencing is not common, and in a dry flat plain, containing thousands of such fields side by side, it may be supposed that boundaries are only permanent when the fields belong to different owners on the spot with different interests. Moreover, instead of assessing at a fixed sum for a series of years, there is fixed on each field a maximum rent to be paid for good seasons and good crops; and it is undertaken, not as an incidental indulgence, but as an essential part of the system, that if the crops fail the rent shall be reduced; in short, that land which does not produce shall not pay; not only uncultivated land, but land which, being cultivated, does not produce good crops.

To effect then the commutation of the share of the grain into money rates, all the land was surveyed, "according to the native mode of measurement," with "chains for measuring dry land, and staves for wet, of given length," and particulars of each field were entered in a register. There were no maps; "the survey was not mapped in this district, nor I believe in any other under this presidency." No provision for maintenance of boundaries seems to have been made, except charging the village officers to keep them up. The land was classified, its gross produce was calculated and the value thereof. Of this produce it was assumed (as appears from a statement for Salem) that the rent in kind was from one-half to six-tenths; and, by way of leaving a profit to the Ryot, the share at which the new rates are calculated is in Salem from 32 to 45 per cent. of the produce. These rates being registered and applied to each field, the result was set down as the maximum or standard rent. The waste land was also registered in convenient fields, and a sliding-scale rent was provided, by which on first breaking up it paid little, but gradually came up to the regular rates. Each Ryot may each year cultivate as many of his own fields, or of waste fields, or of those given up by any one else, as he pleases,

and he may each year give up as many as he pleases; but after the lapse of one year he has no farther right to reclaim what he has given up; and if the Ryots of a village do not cultivate all the land, any one else may come and take it.

In levying what are considered reduced rates of rent, the Government designed to create a value in the possession of land, and to make this value hereditary and alienable. This right it conceded to all, Meerassadars and non-proprietary cultivators alike; for as long as a Ryot pays the assessment on a field he may do what he likes with it. In fact the Meerassadars and other tenants are put on exactly the same footing; for the claim of the former to general rights in the village, to waste lands, &c., being disallowed, they remain proprietors of the fields cultivated by themselves, and the other tenants also acquire similar rights.

For the management of the village the head-man and accountant are made altogether Government servants: by Government are they paid, and through them are Government affairs entirely carried on. They keep an account of the land cultivated by each tenant; through them is the rent collected and paid into the treasury; they are responsible for the proper boundaries of fields; in short everything depends on them. The ryots are under them, they are under the tehseeldars, and the tehseeldars are under the collector. For the encouragement of cultivation, advances are granted, through the tehseeldars, to needy tenants, with which to purchase seed, bullocks, &c., and these advances are recoverable in the same way as land-revenue. In short, by direct management, by encouraging people to take land, settling them on it, giving advances, and obtaining, when necessary, reduction of rent, the tehseeldars and village officers are supposed to perform, on the part of Government, throughout the whole country, the exact part

which is familiar to every landholder of a village on Zemeendaree tenure, and of which, in both parts of the Bengal presidency, many Europeans have experience.

It does not appear that there is any general provision for a revision of the survey or survey rates. The survey once made seems never to have been repeated. For instance, in Salem the payments were some years ago still founded on a survey fifty years old, and no doubt are so to the present day; for in the Board's Circular Orders there is no mention of new surveys. All with whom I have spoken with one voice admit that these old rough surveys are exceedingly incorrect and not at all to be depended on, as indeed must necessarily be the case. Sir T. Monro's measurement is said to have been greatly vitiated by fraud, and it may be supposed is not the better for lapse of time, especially in the entire absence of maps.

Though nothing was stipulated in this respect, the collectors say that the standard assessment is in practice permanent, because if the standard rent be paid it is never raised.

For the prevention of fraud, concealment of cultivation, alteration of boundaries, &c. &c., reliance is placed on the headman and accountant, and, for the prevention of collusion and fraud on the part of those functionaries, on *informers*.

Fifty per cent. on the assessment is allowed as a reward to any informer of concealed cultivation, &c., and it is stated that there are "in almost every village dismissed accountants desirous of being re-employed, and unemployed servants who wish to bring themselves to notice," whose services as informers can be relied on.

The greatest security, according to one collector, is, that "those who do not participate in the advantages of the collusion are always ready to bring the unfairness of the proceeding to notice." "The revenue servants are

also restrained by the fear of dismissal from office and the penalties provided by Reg. IX. of 1822."

Mode of making annual settlements.

The mode of managing matters then is this. Before the commencement of the rains the tehseeldar takes engagements from the ryots as to the quantity of land they are to cultivate, which of course he promotes to the utmost. Of these he makes a "Dowl Bundobust," or statement preparatory to settlement. But this is by no means the settlement. He makes advances, &c., during the season to the ryots in proportion to their means and necessities. When the crops are nearly ripe, the collector goes out into the district to look at them and to make his annual settlement. The village accountant makes out a statement showing the cultivation of each ryot, his crops and circumstances, "the number of his cattle, sheep, and children." Of the fields which he has undertaken to cultivate, first, he does not pay for those which on account of the season he has not been able to sow; second, he does not pay for those which, being sown, have produced nothing; third, the collector may grant reductions from the maximum or standard jumma on account of inferior crops, unfavourable seasons, &c. &c. Accordingly at this time all who think that they should not pay full rent apply for reduction. All these cases are settled, and then and then only does the collector make up his "Jummabandee" or annual settlement, grant formal leases, and take formal engagements for the crop, which by this time is *past* and generally *paid for*. This is important to note, for it does not seem to be generally understood, and it puzzles those whose ideas of a settlement are of an arrangement made before, not at the end of, the season to which it refers. Sir T. Monro avows extensive remissions as part of the system, and argues that those are wrong who think that the system is bad because in all districts "very many ryots require a remission of a

part, or a half, or even the whole of their rent;" for he says that we must "among two or three thousand ryots always expect to find two or three hundred who are unable to pay their rents;" and from this disposition to hold land without being able to pay (being inclined to look on the bright side of things) he argues a "spirit of independence" which we ought to "encourage rather than repress" (par. 14). He would have made a capital Irish landlord, and would no doubt have encouraged this "spirit of independence" with perfect success. In all the discussions on the subject all the authorities at all the Presidencies dwell on these great remissions as a chief evil, and one which is admitted by the Madras revenue officers themselves. Yet on turning to the figured statements of the ryotwar collectors I was surprised to find them exhibiting the most wonderful punctuality of payment, the balances rarely exceeding three per cent. and averaging little more than one. It was only on talking to a Madras official that I discovered the explanation of this discrepancy. "Oh," he said, "all that is before the Jummabandee. The Jummabandee is not made up till *after* the crop is ripe, in fact generally does not reach the collector's office till *after* most of the money has already got there, and after making all the remissions and reductions of the season from the standard assessment—that is our annual ryotwar settlement." No wonder the recorded assessments are punctually collected in this way; but it is a style of settlement which was altogether new to me.

As the difference between the first "Dowl Bundobust" and the "Jummabandee" does not publicly appear, I cannot state its amount; but I find it incidentally mentioned in the Bombay Settlement papers in regard to Coimbatore, the very Madras district the collector of which, in reply to Lord William Bentinck's queries, represented the system to be so flourishing that in ten years his annual balances

varied from 1½ to 2¾ per cent.: "they state that in Coimbatore the average annual settlement for the last ten years is about one-third, or 11,62,463 rupees, below the maximum demand, and that in Canara, in the year 1243 fuslee, out of 51,449 vergs only 31,835 paid the maximum, and in 20,164 vergs temporary or permanent deductions were allowed." (Bombay, Settlement Papers, Appendix, par. 41.) This was the deduction from the standard assessment *before* the Jummabandee. The collector only states balances on the Jummabandee, or settlement, made up after he has got most of the money. Such is the system.

I must however state that it would appear, so far as I can understand the modern Madras reports, that, the fixed rates being now lower than before Sir T. Monro's time, and the system more settled, the standard assessment is more nearly adhered to. Remissions are still part of the system, but to a much smaller extent.

As what cannot be at once realized is generally remitted, complex modes of coercion are not used. Personal property is distrained, and the land would be sold for balances, but generally is not, for a very good reason, viz. that nobody will buy it; and the collector of Salem naïvely mentions "various unauthorised modes of stimulating the tardy," rarely resorted to by heads of villages, such as "placing him in the sun, obliging him to stand on one leg, or to sit with his head confined between his knees." Mode of enforcing payment.

That the result of the Ryotwar system in Madras is most unfavourable all parties seem to admit. Not only the Bengal authorities condemn it and dwell upon its evils, but the Bombay revenue officers, who had in many districts followed the Ryotwar system and still defend it in principle, admit quite as decidedly the very great evils of the Madras mode of Result of the Ryotwar system.

management, and in fact urge them as the ground for adopting an improvement thereon which they have projected. They attributed the failure at Madras, not to the system, but to the execution and details. And the Madras men to whom I have talked candidly admit that at the present moment the state of things is most unsatisfactory —that the people are wretchedly poor, the land of little value—that the difficulty is to get people to cultivate it on any terms—and that the cultivation is kept up by forcing, by Government advances, &c. &c.

And indeed no one who has experience of these matters can wonder that it should be so. The idea of the British Government undertaking to perform the duties of immediate landlord throughout a great country, discarding all the assistance of the system which we found, the self-contained communities, and dealing singly with each wretched cultivator, is, to one who knows the trouble and difficulty of managing in this way but two or three villages, quite absurd. All experience, as well as all reason, is against it. Any indigo planter who has a village or two could tell the weary work, the coaxing and the bargaining, and the management, the favourable leases given to some cultivators, the bad debts left by others, the thousand and one details of managing a village on this system; and the idea of one man so managing a couple of thousand villages is perfectly monstrous.

The system of annual reductions to each cultivator who has a bad crop makes it ridiculous to suppose that the collector can do else than trust his native subordinates. Only imagine one collector dealing with 150,000 tenants,* not one of whom has a lease, but each pays according as he cultivates and gets a crop, and with reference to the number of his "cattle, sheep, and children," and each of

* I took two districts at random. In Coimbatore there were 240,105 tenants; in South Arcot, 143,607.

whom gets a reduction if he can make out a sufficiently good case. What a cry of agricultural distress and large families there would be in England or any other country under such a system! Would any farmer ever admit that his farm had yielded anything, that his cattle had produced, or that his wife had not produced? If the collector were one of the prophets, and remained in the same district to the age of Methuselah, he would not be fit for the duty; and as he is but an ordinary man and a foreigner, and continually changed, it would be strange if the native subordinates could not do as they liked, and, having the power, did not abuse it. Accordingly, it is generally agreed that the abuses of the whole system, and especially that of remissions, is something frightful; that the opportunities of extortion, peculation, chicanery, and intrigue of all kinds are unbounded; while the reliance of the Madras collector on informers by no means mends the matter.

The worst of the Ryotwar system seems to be that it leads to nothing in the end. What does it tend to? Are we to go on for ever with this annual patchwork, this annual settlement as it is called, and annual reductions and remissions, and annual difficulties of all kinds? Things do not seem to mend at Madras; we shall presently see the improvement tried at Bombay.

Before leaving the subject, I may here mention that, although much the greater proportion of the Madras land is utterly valueless, some portion watered from wells, &c., is said to be of considerable value. If the assessment is unequal, it follows that any man who has once got a good bargain keeps it, especially if he can contrive to have more land in his field than he is charged for in the register, and such fields no doubt (the assessment being fixed) must bear a considerable value. There are even said to be a good many under-tenants in such lands.

Value of land.

Works for irrigation.

As part of the system Government undertakes the management and repair of all tanks, water-courses, &c., for general use, charging for the water.

Alienations of revenue.

The revenue-free holdings seem never to have been thoroughly investigated, and almost all the instructions of the Board are as to what cases are *not* to be sent to them.

Financial results.

In comparing the financial results of the Ryotwar with any other system, it must be observed that it is everywhere found by experience that much less net revenue is realized under such a system than by means of village leases; that the Madras receipts fell off when the Ryotwar system was introduced, and that a much smaller rate on area is realized in Madras than in other parts of the country under other systems. The maximum of Madras receipts seems to be referred back to the year 1809. They declined very much in the intermediate years, but have lately again revived. Of course under such a system receipts vary from one year to another, but the following are fair specimens:—

In the year	1814-15	the settlement was for Rs.	3,45,63,213
	1825-26	„ „	3,30,11,159
	1829-30	„ „	2,84,73,996*
	1840-41	„ „	3,40,82,393
	1848-49	„ „	3,53,38,613

The collections have been within one or two per cent. of the amount of settlement. It will be seen, then, that while the decline was at first considerable, there has been a great rise of late years. How much of this is owing to the general peace and increase of population, and how much to estates added to the rent-roll (lapsed Jaghees, &c.), I am unable to say; but it is stated that the increase is in great part nominal, certain sums being credited

* An unusually bad year—the lowest of any.

which are afterwards written off as *assignments*; and the resumption of rent-free lands must have added something; so that it is probable that the ordinary rate of receipts is now considerably less than before the introduction of the Ryotwar system. Of the assessment for 1848-9, the sum of 54,76,291 rupees was permanently assessed; 1,48,406 rupees was due upon leases for more than one year; 2,97,13,916 rupees was the amount of annual leases and produce of division of crops. The amount under permanent settlement seems to be continually decreasing. The whole gross receipts for 1849-50 are 3,47,94,373 rupees, which gives a revenue rate on area considerably less than half that of the North-Western Provinces. The charges are of course larger than under any other mode of management. They are stated at about fourteen per cent., but this does not seem to include the receipts of village servants, and other expenses deducted before the revenue is credited.

Cost of collection.

We have seen that it was not till a comparatively recent period that we had large territory in Bombay.

Bombay system.

Here, too, we find exactly the same tenures as in different parts of India at the farthest extremities from each other, and the same discussions going on. There were, in some few places, Desmooks or Hindoo officers over a number of villages, who had established a sort of claim to hereditary management. We have the joint republican tenure just as I have described it, sometimes in great perfection, and warmly advocated by different functionaries. The distinction is very clearly shown between these villages, on the one hand, called "Baughdar," and never represented by a single head-man, but always by four or five at least, and those, on the other hand, under a single head-man, and wanting the republican character and decided Mee-

Tenures.

rassee tenure. The Baughdar villages were again sometimes partly cultivated by the republican Meerassadars, and partly by inferior cultivators; and in some the community was perfect. In Broach there are stated to be ninety-eight villages in which there is not a single cultivator besides the sharers; and it is seen in the first Bombay reports, just as I have shown, how the assessment on the whole village being fixed each man knew at once what was his share, whether it was a fourth or a three-hundredth part. The Native revenue system was not here in the same systematic order which once obtained nearer the seat of the Mogul Government. There had been formerly a good revenue system. Malik Amber I have mentioned as a financier of the south. He "revived and confirmed the Meerass tenures," and made village settlements for fixed money payments. In fact, he did just what we should have done, cherished and perfected this excellent system, and reaped the benefit of it in what we wish to obtain (but have not in those parts obtained, because we have acted differently), viz. fixed village settlements in money. It is to Malik Amber that Sir T. Monro attributes the invention and institution of the Meerassee tenure and joint community system. It will hardly be believed that a mere local administrator originated a system common all over India, and stamped in the national character; but that he revived and confirmed it when failing, with the same object which we have, or ought to have, in view, is a historical fact which should be borne in mind in determining our conduct.

Sevajee seems also to have been, as well as a great robber, a great administrator. But latterly, in the territory now under the Bombay Presidency, it would seem that constant change of masters, internal and external wars, and a predatory system had made the management very irregular. The villages contrived to manage their

own affairs, and paid revenue in the lump to whoever could claim it with a sufficiently strong hand. In the republican or Banghdar communities the management was of course simple enough; but in the less republican municipalities, under a single Potail, the latter seems to have acquired more than ordinary power, and to have distributed the common burthens in a somewhat arbitrary way. But at any rate it is clear that both descriptions of villages somehow managed to pay their revenues in one sum as a body corporate.

First revenue system at Bombay.

For some years after we took possession we followed very much the native system. There were then no surveys; but each year, according to the state of the crops and the price of grain, the collector fixed in one sum what each village was to pay, and it was levied and paid by the headmen, the burthen being distributed in joint villages according to the known shares; in other municipalities according to cultivation and produce, under the authority of the Potail. However, complaints soon became rife that this authority of the Potail was abused, and to remedy the evil accountants were established as Government servants, to enable Government to see justice done to the cultivators of the municipality. This step disgusted the Potails, who threatened to resign in a body; and the Ryotwar system being then in vogue, and highly recommended by the home authorities, the dispute led in many instances to the Government assuming direct charge, after Ryotwar fashion. However, a settled system of management was required. Some kind of settlement was urgently advocated by the collectors, and surveys were commenced.

Mr. Elphinstone's views.

The system to be adopted for the future was at this time much discussed by Mr. Elphinstone, the Governor, and the members of Council. Mr. Elphinstone's opinion was against the Ryotwar system, as "involving so much detail that the collector and his

assistants cannot perform it" ("Nor a hundredth part of it," adds a member of Council), "while it cannot be safely intrusted to natives;" and "when combined with our general revenue and judicial system, it has a great tendency to annihilate the power of the Potail and to dissolve the village government, the value of which has been rated so highly." Besides, he observed that leases for fixed periods could not be maintained on this system, on account of the poverty and uncertainty of unsupported individual cultivators. Village leases therefore he would introduce, but carefully and gradually. The joint republican or Baughdar tenure he pronounced to be much the best wherever it existed, most fitted for long fixed leases and a good system of management. He regretted that we should have allowed any of these tenures to become disorganised, and proposed that they should be particularly cared for, and that leases should be given to them. Where this tenure did not exist, he indicated a plan of surveying, registering, and recording the holdings of each Ryot, so as properly to know the share he should bear of the common burthen; then to make the rent low enough to afford a profit in fixed leases, and to make joint village leases. "The settlement," he says, "would still be with the Potails; but the right of every Ryot would be known and fixed." He seems to propose to give the Potail the profit of extension of cultivation, and, I conclude, to charge him with the risk of failure of Ryots; but does not yet bind himself to details, merely generally propounding this plan for uniting the two systems, by maintaining and perfecting the village system; not making the Potail absolute, or the Ryots separate, but fixing the *proportions* of the revenue paid by each, and leaving to the Potail the management, and with him individually, or with the community generally, the risk of individual failure; in fact, perfecting the indigenous municipal system, as

Malik Amber did. The design was worthy of so great a man.

In the directions for the survey of the Deccan, where perfect communities were not common, the instruction is that the Ryots must (their holding being ascertained) "engage for each severally, and the whole collectively, it being distinctly understood that individual failures might be assessed on the whole village, as was invariably done by native Governments. The rights of the Ryots being fixed, the villages may be leased to the Potails."

Such were the views of Mr. Elphinstone, the distinguished man who then ruled Bombay.* But unfortunately they do not seem to have been since acted up to. They required much management, patience, and care. The Ryotwar system, or want of system, had been introduced, and was in favour; and it was much easier to let a village go to pieces than to keep it together—to say that a lease could not be effected, and hand it over to the tehseeldar for direct management. Get rid of everything else, and a village *ipso facto* becomes Ryotwar; and in fact to this cause is owing the prevalence of the system, simply that it is absence of system, and a negative is easier than a positive. So it happened in Bombay, that, the system propounded by Mr. Elphinstone not being fully carried out, the Ryotwar tenures much increased, and a great variety of very irregular holdings exist in different parts of the Presidency. The first surveys proved incorrect, and the Potails retained power as much as they could.

But in 1840 it would appear that a new era had commenced in Bombay revenue matters, in the southern Maratta provinces hitherto Ryotwar. The system of the North-West Provinces had been recommended, but the Bombay Settlement officers (or, New Bombay system.

* Rev. Selections, vol. iii. p. 661. Whoever desires a good view of these matters should read Mr. Elphinstone's Minutes.

as they are there called, Survey officers), engaged in the settlement of the Deccan, would not admit its applicability, and they had a new plan of their own. They were against joint tenures altogether; preferred the Ryotwar plan; but agreed as to the immense abuses and complete failure of the old Madras Ryotwar management. Their plan was to make a field settlement, with well-defined fields, and much reduced rents, fixed for thirty years with no abatement.

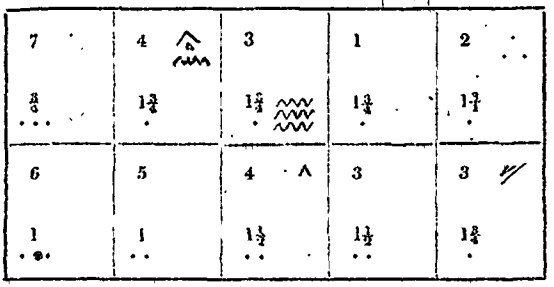
In 1847 the different settlement officers met, and agreed upon a set of rules in exposition of their system—under which the southern part of the Bombay Presidency is now administered. The system then is this:—the assessment is still on fields, but a field is no longer as before the indigenous field—the undefined little bit of ground heretofore described. It is an artificial field, much larger than before; and wherever so much land belonging to the same owner can be found in one place, it is as much as one man and a pair of bullocks can conveniently cultivate. It is permanently marked off by sinking large stones, &c., and a very accurate survey is made, not strictly scientific, but with the assistance of scientific instruments in marking the main bearings.

The rent is fixed on each field for thirty years, and each Ryot may, as before, each year cultivate what fields he pleases, and give up what he pleases. Fields which are not taken up for cultivation are let annually by auction as grazing grounds. All cultivators are proprietors of the fields they cultivate so long as they choose to keep them on the rent fixed; but there is this difference, that, as Meerassadars were always considered proprietors, their rights of inheritance, &c., are not interfered with; whereas, other cultivators receiving the proprietory right as a gift from Government, there is this condition attached, that their fields cannot be divided, and a single field, or land

under a certain quantity, must go to the eldest son or single heir in order to prevent subdivision. The rent-rates are very much reduced. But the rent of a field once fixed will never, under any circumstances, be altered during the settlement, whether it is taken or not. Fields will be sold for balances. All joint tenures and common responsibilities of every kind are utterly done away with, and it is stated to be the great object to get rid of the Meeras tenure altogether, so that the Government may deal with the whole land under its own rules. In fixing the assessment on each field, a most minute and artificial system is to be followed; there are nine good qualities of soil, according to depth, colour, &c., and seven defects, which are set forth in a strange-looking diagram, and, the defects being subtracted from the good qualities, the relative values are expressed in fractions of a rupee. A field is thus valued in a number of compartments, and the sum of the whole is the assessment of the field.

Here is a field as surveyed in Bombay. The figures are the good qualities of each compartment, the hieroglyphics the bad.

EAST.



The system has not had a long trial, and the result remains to be seen. It is said that, although it involves a large sacrifice of revenue in the first instance, the cultivation is increasing, and so making up for the loss; that the people are prosperous and contented, and that balances and remissions are now inconsiderable, not exceeding five per cent.

The system is at any rate an immense improvement on the old Ryotwar. It is only in this way that a Ryotwar system can have any chance of success, and it is probable that for a few years so elaborate an arrangement may succeed to a certain extent. But, as to its success in the long run, there are several questions. First, the general objections to the Ryotwar system will somewhat apply, though in a less degree; secondly, the possibility of correctly fixing the value of each field with such minuteness is more than doubtful; thirdly, it is found that cultivators are continually throwing up their cultivated fields to cultivate waste land at low rates; and lastly comes the question whether to obtain the permanent working of the system it may not be necessary to assess too low. It is certain that in the newly settled districts less is realised than formerly.

While Bombay collectors say that the Madras system fails because the assessment is too high, Madras collectors seem inclined to say that the Bombay practice may be all very well, but that a sufficient revenue is not realised. And in fact Bombay does not pay, and the land revenue has diminished.

Cost of collection at Bombay.

But this brings me to another prominent feature of the Bombay system, the enormous expense of collection. The payments to village servants, &c., are brought into account, but the amount exceeds all bounds.

In the Bombay accounts we find for 1849–50—

Land Revenue . . .	Rs. 2,29,09,690
Allowances to district and village officers, including charitable grants to mosques, pagodas, &c., no less than	98,26,840
And charges of collection (after deducting Sayer expenses) . .	28,00,000
Leaving net Revenue only . .	Rs. 1,02,82,850

—and the result is that Bombay, all other sources of revenue being added, not only contributes nothing to the general or home governments, or to the interest of Indian debt, but has a large deficit in its own local government. We must look, then, to this enormous allowance of nearly one million sterling to district and village officers, mosques, &c. &c.

I have mentioned the disorganised state of this part of the country previous to our possession, and the power of the Potails. Besides the Marattas, it seems that there were a number of predatory chiefs and robbers, Rajpoots and hill aborigines, who occupied some villages, and levied a black mail called "Grass" from others; and when different parties contend for the possession of a village, it often happens that they bid high for the assistance of the cultivators, each offering the most favourable terms, and granting all kinds of allowances and immunities to the headmen. In the frequent contests and change of masters, grants or promises of this kind had at different times been made without limit. Moreover, when the head-men themselves manage the village they contrive to appropriate land free from assessment, and grant it to other people on all kinds of pretexts, or in consideration of bribes. In fact, land free from revenue had been systematically sold by the Potails to parties who kept it as long as they could conceal the fact from the Government of the day, or allege a character of sanctity or such pretext.

Of these alienations there were an unusual number in the Bombay territory. But it is utterly incredible and impossible that so many as now exist were ever permitted at any one time under any one native Government. For as such alienations are, under native Governments, perfectly arbitrary and discretional, there is a constant succession of them, old ones being resumed, and new ones granted.

When, then, we recognise them as a right, not only as many as have possessed at any one time make claim, but an immense number more start up. One has such a grant in possession; another was unjustly deprived of one a short time ago; a third's father had one, so he thinks he may fairly bribe the head-man and accountant to put him down in the present list. Mr. Elphinstone, in taking possession of the Peshwa's country, had proclaimed in a general way that all the rights and property of the people should be respected. But it speedily appeared that the greater part of the revenues were claimed by different parties, and much discussion ensued. Some of the claims were disallowed, but in the end both the black mail of the robbers, and the offices and incomes of all village officers and other such claimants, as well as all religious and charitable alienations were admitted as "vested rights;" and, moreover, these vested rights were never properly investigated or sifted, and were permitted to attain an enormous amount by gross fraud and abuse. In the Bombay revenue papers it is simply stated that there are many deductions from gross revenue in favour of village officers and others which are "vested rights," and cannot be interfered with. The term is one of evil omen. Whenever there is an abuse in England—a sinecure, a misappropriation of property, an office or an institution turned from its proper end to private purposes, the pretext is always "vested rights." But I do not see why these discretionary allowances should be made vested rights; why we should be deprived of the power of interfering, and still more of inquiring whether they are what they pretend to be or no; why we should have to pay not only our own expenses, but those incurred by native Governments for purposes not now required; and, especially, why we should let these "vested rights" mount up to a sum which it is incredible that any native Government would have permitted.

It may be all very well to let people have for ever as a right whatever they can make any plausible claim to, having at some time or other enjoyed temporarily, as a favour, but we must consider that in consequence Bombay does not pay, and the deficiency is made up by taxing the salt of the wretched Bengalees, already deprived of all favour and of all rights in the land. All Bombay officers with whom I have conversed unite in deploring the frightful expense of collection, which eats up the greater portion of the land revenue. They say that the vast majority of these district and village officers do nothing whatever for the money they receive, and that the excessive allowances are in no way advantageous, but that they are kept up simply because they are considered "vested rights," and, having now attained a certain prescription, Government is unwilling to interfere with them.

I have no detail of the 98,20,840 rupees, but it seems not to include the black mail, the "vested rights" of the robbers, for that is treated as a separate matter, and is not mentioned in the detail of what is termed "Pasaita," and described as including allowances to district and village officers, Bramins, Bheels, Mosques, and Faqueers (corresponding to the title in the accounts).

Result of Bombay management.

In spite of all grants and liberality it seems clear that the Bombay revenue system does not succeed, that the receipts have fallen off, and that the country is, generally speaking, not prosperous. The gross land revenue of that Presidency has been apparently increased of late years by about 600,000*l.* in consequence of bringing into account the allowances to village officers, &c., heretofore excluded, but at the same time the charges called assignments are increased by upwards of 700,000*l.*, and the charges of collection by a further sum, showing that real revenue has diminished, notwithstanding that Sattara has been added

to the Bombay territory, and must be included, as it appears nowhere else in the accounts. Perhaps, so much being given to possessors of "vested rights," the others are squeezed to make up for it. The most prosperous part of the Bombay territory is said to be the southern Maratta country under the new settlement, but there the assessment is exceedingly light, and the expenses are most exceedingly heavy. The greater part of the revenue is derived from the districts in the north, Guzerat, Broach, &c., comprising some of the very richest and most valuable tracts in India, producing the most *paying* crops, close to seaports for exporting them, and capable of yielding the highest rents. To these the new system has not yet been extended, perhaps because the keeping up the privileges of the privileged, and at the same time granting an easy assessment to the many, is incompatible with the realisation of revenue.

The system in these parts of the Bombay Presidency is avowedly very unsatisfactory. The partial surveys are quite incorrect and insufficient; no uniform system is followed. There are still a good many perfect communities; in some cases robbers or district officers have been recognised as Zemeendars; in some cases, as in the North-West Provinces, particular families are village Zemeendars; many villages are managed on the old Ryotwar plan, and many are let to the Potail, who distributes the burden among the cultivators in an irregular way, the collector merely deciding at his discretion, and without any system or sufficient record, disputes brought before him. In such villages it seems to be admitted that the system still in some places prevails of charging according to the kind of crop, higher rates for more valuable crops, and lower for the inferior products. There is evidently great need of a settlement of these districts.

From the Bombay revenue reports it would appear that

the collectors of the southern districts still (notwithstanding the new settlement) retain and use the power of granting remissions, and, in fact, that that power is practically exercised by officers much lower in the scale than collectors.

The revenue demand of Poonah for 1849–50 (alienations being deducted) was 8,04,671 rupees, out of which remissions were granted in a favourable season to the extent of 31,482 rupees, and on 1st of August the outstanding balance was 48,404 rupees: while the collector says that the papers sent in by the Mamlutdar (or Tehseeldar) "do not explain how the remissions were calculated." Decrease of receipts is attributed to introduction of the new survey-rates. For Dharwar the demand was 12,35,348 rupees, remissions 38,437 rupees, balances 5,882 rupees.

In 1835–6 the land revenue stood thus:—

Gross Land Revenue . . .		Rs. 1,67,19,975
Allowances to village officers, Enamdars, &c. . .	27,18,378	
Charge of collection . .	18,25,828	
		45,44,206
Net Revenue .		Rs. 1,21,75,769

while in 1849–50 it was—

Gross Land Revenue . . .		Rs. 2,29,09,690
Allowances to district and village officers, &c. .	98,26,840	
Charge of collection . .	28,00,000	
		1,26,26,840
Net Revenue .		Rs. 1,02,82,850

Showing that, while there is a large nominal increase, there is a real net decrease of 18,92,919 rupees, notwithstanding the addition of lapses and resumed rent-free lands.

General statement of land revenue.

The following statement exhibits the whole land revenue of India for 1849-50, with the charges which it must be remembered include the registry, superintendence, and judicial management of everything and everybody connected with the land. Almost all these duties must be performed, even if Government derived no revenue from this source. The mere collections could easily be made at a cost of one per cent. It will be seen that the comparative net revenue realised per square mile stands thus:—

N. W. Provinces.	Bengal.	Madras.	Punjab.	Bombay.
514	280	208	180	151

and that the charges vary from 8½ per cent. in the North-West Provinces to 55 per cent. in Bombay.

GENERAL STATEMENT of Land Revenue of different Provinces of British India for 1849–50.

DIVISION.	Area in Square Miles.	Population.	Gross Land Revenue.	Charges.	Net Land Revenue.	Rates of Revenue per Square Mile.		Per-centage Charges.	REMARKS.
						Gross on Area.	Net on Area.		
			Rs.	Rs.	Rs.	Rs.	Rs.		
Bengal, Behar, and Orissa	113,702	36,848,981	3,50,60,700	32,57,300	3,18,03,400	310	280	9½	
Agra Regulation Provinces	71,972	23,199,688	4,04,77,661	35,00,000	3,79,77,661	561	514	8¾	Area, population, &c., from actual survey and census.
Non-Regulation Provinces of Agra	18,000	3,000,000	37,47,339	3,20,000	34,27,339	207	190	8¾	Includes the Saugor and Nerbudda territories, at present under the Supreme Government.
Punjab, with Cis-Sutlej and Trans-Indus territories	75,000	7,500,000	1,47,97,000	13,00,000	1,34,97,000	197	180	9	About 47,00,000 rupees land revenue of Julinder and Cis-Sutlej territory, hitherto included in North-West Provinces.
Madras	144,829	16,339,426	3,47,94,373	47,80,000	3,00,14,373	240	208	13¾	Population probably under-estimated.
Bombay	67,945	9,210,273	2,29,09,690	1,26,26,840	1,02,82,850	337	151	55	Ditto.
Total . . .	491,448	96,098,368	15,17,86,743	2,57,84,140	12,60,02,623	..	..	..	

CHAPTER IX.

SOURCES OF INCOME OTHER THAN THE LAND REVENUE.

Salt-tax—Its origin — The system and receipts at each Presidency—General statement of salt revenue — Customs — Opium revenue — Bengal system —Duties on Malwa opium—Excise—Tobacco revenue—Moturpha revenue—Stamps and fines — Post-office and miscellaneous income—Local taxes.

Salt-revenue.

In most countries, European and Oriental, salt has been taxed. In India too it has long been more or less a source of revenue. The consumption of salt in proportion to other articles is probably greater there than in other parts of the world. Every individual of the population uses it largely, and it is even given to cattle. In an Indian establishment horses, cows, and sheep have all a regular allowance of salt. The climate and the mode of living probably tend to its use. I have mentioned that it was not in former times so highly taxed as it now is. It is perhaps the only burden on the people which we have made much heavier than before, and we have in fact increased it from a small beginning to a very serious impost.

Origin of salt-tax.

On our first assumption of Bengal, the salt-revenue was not of great importance. The monopoly of the trade seems to have been merely held by the English, like other commercial monopolies—was once abolished and was revived by Clive as a fund for the payment of the Company's servants without adequate public incomes, and subject to a Government duty calculated at 100,000*l*. This arrangement was, as has been

seen, discontinued under orders from home, but a few years after the monopoly was finally and strictly established on behalf of Government. The tax was subsequently carried to such an excess, that salt, like tobacco in England, came to bear a price three or four times exceeding its mercantile value, and yielded a large revenue. But this severity has all along been for the most part only applied to the salt of Bengal proper, and other parts of India have till lately borne but a small part of the burden.

Sources of salt-supply.

There are three sources of salt in India:—First, the sea at all the three presidencies; second, the great salt lakes in Central India (in Rajpootana), yielding an inexhaustible supply to the central and northern countries; third, the mines of rock-salt in the western portion of the Punjab. To these it may be added that an inferior salt oozes from the ground, and is obtained in small quantities in manufacturing saltpetre.

Former system and receipts in Bengal.

From the time then of Warren Hastings salt was in Bengal a strict Government monopoly, and it so continued till 1817, after which date its import was permitted at a duty of 3 sicca rupees per maund of 82 lbs. But it was not imported to an extent practically to affect the monopoly till 1836. During all this time the practice was to expose to public sale by auction, on the part of the Government, fixed quantities suited to the consumption, which were knocked down to the highest bidder. The revenue under this system rose to be very high, and for the six years ending 1835-6 the average net receipt from Bengal salt was 1,28,01,391 rupees. But there was great liability to abuse in the sales, and to the creation of sub-monopolies in the hands of speculators, causing the imposition of a higher price on the consumer than that realized by Government.

From 1836 the monopoly system altogether ceased, except as concerned restriction of the manufacture to prevent

smuggling, and the rule was laid down, that a fixed duty should be charged alike on all salt, whether in addition to cost price of Government-manufactured salt, or on private salt imported by sea. The duty was fixed at 325 rupees (nearly equal to 300 sicca) per 100 maunds. Under this system the revenue still increased, and was during three years on an average as follows:—

Net duty on Government salt	.	Rs. 1,33,13,395
Ditto on importations . . .	.	9,41,401
Total.	.	Rs. 1,42,54,796

Present system and receipts.

In 1844 the duty was reduced to 300 rupees per 100 maunds, and in 1848 it was farther reduced to 250 rupees per 100, or 2½ rupees per maund. From the latter date the receipts from Bengal salt considerably diminished, in correspondence with the diminution of rates; but they were rather better in 1850; and meantime the duty on imported salt, included under the head of customs, has largely increased.

The statement for 1849-50 is as follows:—

Sale of salt . . .	.	Rs. 1,47,38,000
Cost	.	31,66,216
Net . . .	.	1,15,71,784
Duty on imported salt . .		44,00,000
Total net Revenue .		Rs. 1,59,71,784

—being larger than that realised in former years, when the duty was higher.

The system then is simply this:—It is believed that, from the great number of places in which salt can be manufactured, and the facility of making it, it is impossible

to collect a heavy excise on salt freely manufactured in Bengal, without giving too great opportunity for smuggling. The manufacture is therefore prohibited, but Government maintains a separate establishment for the salt department, and, by contracts with native salt-boilers, manufactures it at the cheapest rate in its power. The cost of manufacture is exactly calculated, averaging about 12 annas or 1*s.* 6*d.* per maund, and the duty of 2½ rupees per maund, or about 1*s.* per 16 lbs., being added, the salt is offered for sale to all purchasers at about 3 rs. 4 an. per maund, or 6*s.* 6*d.* per 82 lbs. According as it is sold does the Government manufacture more. But imported private salt is admitted to the freest competition at the same duty, however fine the quality may be. The Bengal salt is made by boiling, but is a very coarse sea-salt.

The salt described above supplies Bengal and its dependencies, and also the Benares provinces and adjoining country.

From Allahabad to Dehli and the hills the country is supplied from the salt-lakes of Rajpootana. They overflow every rainy season, and on drying leave the salt in a thick incrustation. These lakes do not belong to the British Government, but to different tributary states.

Salt-duty in the North-West Provinces.

The supply seems to be so great that the salt bears no considerable price on the spot, and is brought away freely. As we cannot put an excise on the lakes, we are obliged to surround them with a long customs line, being the same line on which we levy the small customs on other articles still maintained in the upper country.

The line formerly ran up the right bank of the Jumna till it joined the Himmalayas, so as to intercept Lahore salt; but since the acquisition of the Punjab it is turned from Dehli across by Hissar to the Sutlej, and down that river to its junction with the Indus. Supplemental lines run

from the Indus to the Soliman hills, and from Allahabad across the plain of the Ganges, to keep Scinde salt out of the Punjab, and north-west salt out of Benares and Bengal.

From 1834-35 (when the regular exterior customs line was established) till 1843-44, the duty was 1 rupee per maund, or less than one-third of the then Bengal duty, and the annual receipts from salt were about 18,00,000 rupees, or 180,000*l.* From 1843-44, the duties on many miscellaneous articles having been abolished, but the customs line being put on a more efficient footing, the duty on salt was increased to 2 rupees per maund. On a farther payment of 8 annas per maund (making it equal to the Bengal duty), north-west salt is permitted to pass below Allahabad, and a considerable quantity does so pass. The system has succeeded excellently well, and the salt receipts for 1849-50 are estimated at 47,50,000 rupees, but have actually a great deal exceeded that sum, being about 51,00,000 rupees, or 510,000*l.*

As the customs line is principally employed for the collection of salt-duties, I may here notice it. It is exceedingly efficient, under two commissioners of customs, each of whom has several uncovenanted deputy collectors, and a large establishment of patrols, principally of European blood. The temptation to smuggling is great, and it was at one time carried on to a considerable extent by large parties, who violently crossed the line at night; but, owing to the increased efficiency of the establishment, it is I believe much diminished. The duty, however, is quite as high as it is possible to maintain on so open and unprotected a line. The cost of the customs establishments is about 13 per cent. of the receipts, which, considering the nature of the duties, is not excessive. The manufacture of coarse salt from the earth is strictly prohibited in our provinces. It is but an inferior article, and would not be worth manufacturing except on account of the duty on imported salt.

Since our acquisition of the Punjab we have taken off that part of the customs line, and established an excise at the mouth of the mines of 2 rupees per maund, the same as the duty on Rajpootana salt. But as there are mines beyond the Indus which supply the west—as the Agra territory has a nearer supply from Rajpootana—and as sea salt is still very low-priced in Scinde, the consumption of Lahore salt is not so large as it might be. Punjab salt.

At present the duties do not yield more than 10,00,000 rupees, but they may be expected to increase.

Salt has been for long a source of considerable revenue at Madras, but not so at Bombay, where it was but one of many small miscellaneous items, as under the native Government. For instance, in 1830, the whole revenue derived from salt at Bombay was 2,73,520 rupees. But about 1843-4, at the same time that the north-west customs line was remodelled, a variety of miscellaneous and obnoxious taxes were abolished wholly in Bombay, and partially in Madras, and an increased tax on salt was substituted, not so high as in Bengal, but considerable in amount.

At Madras the salt is an inferior article, as it is merely dried by the sun, and seems to cost a very small sum in the manufacture. Here too it is manufactured on the part of Government. It is sold at 1 rupee per maund, equal to a duty of 14 annas. It is managed by the collectors of land revenue and their establishments. By the last accounts the gross receipts were 46,45,926 rupees, and the cost of manufacture 8,12,614 rupees, leaving net 38,33,312 rupees. Salt duty, Madras and Bombay.

At Bombay, previous to 1843-4, there was a duty on salt of 8 annas per maund. It was then increased to 1 rupee, and there was on the occasion a serious riot at

Surat. Whereupon Government compromised the matter by fixing the duty at 12 annas or 18*d.* per maund, being lower than anywhere else.

It is of the nature of an excise duty, and is levied at the pans.

The receipts for 1849-50 amount to .	Rs. 23,58,220
Expenses	1,78,800
Leaving net	Rs. 21,79,420

The whole receipts from salt for 1849–50 are thus stated:—

	Gross.	Net.
	Rs.	Rs.
Bengal . .	1,91,38,000	1,59,71,784
Agra . . .	47,50,000	40,53,000
Punjab . .	10,00,000	10,00,000
Madras . .	46,45,926	38,33,312
Bombay . .	23,58,220	21,79,420
Total . .	3,18,92,146	2,70,37,516 equal to £2,703,752

General statement of salt revenue.

It thus appears that from salt Government derives a very large and increasing revenue of upwards of two and a half millions sterling very much to be depended on. But this duty is obtained by doubling, trebling, or quadrupling (according to distance from the place of produce) the price of a very necessary and wholesome article of universal consumption. It is therefore a hard, and our only hard tax, and only justified by our inability to do without the money.

But those who cry out in England against the monopoly and their unjust exclusion from the salt trade are egregiously mistaken. As concerns them there is positively no monopoly, but the most absolute free trade. And

more than this, the only effect of the present mode of manufacture in Bengal is to give them a market which they would never otherwise have. A Government manufacture of salt is doubtless more expensive than a private manufacture; but the result of this, and of the equality of duty on bad and good salt, is, that fine English salt now more or less finds a market in India; whereas, were the salt duty and all Government interference discontinued to-morrow, the cheap Bengal salt would be sold at such a rate that not a pound of English or any other foreign salt could be brought into the market. So much for English agitation. For the rest, the question is between the Government and our native subjects, whether the evil (for it is an evil) of Government exclusive manufacture is greater than would be the difficulty of collecting and managing an excise duty on salt freely manufactured, without giving opportunity for smuggling. The *rate* of duty to be levied is a financial question.

Customs.

Customs are a source of revenue in all Indian states; but they are rather after the fashion of tolls on transit than regular customs lines and rates of duty after our fashion. Certain tolls were levied throughout the interior of the country on the transit of merchandise at every town and on every road. This system was long continued under our Government; but proved a source of very great abuse and inconvenience, without yielding a commensurate revenue.

The Inland Customs, Town, and Transit duties in the several Presidencies were all therefore successively abolished; in Bengal in 1834-5, in Bombay in 1838, and in Madras in 1844, and the customs were reduced to a nearly uniform system of sea customs at all the three Presidencies, and to three continental lines between our territory in the North-West Provinces, Madras, and Bombay respectively, and the native states of Central India.

But the proceeds are not such as to make the customs the very productive source of revenue which they are in England. I exclude salt and opium from the general customs. Sea customs were till 1848 levied at single rates on British, and double on foreign manufactures—single rates on British bottoms, and double on foreign bottoms—making altogether quadruple rates on foreign goods on foreign bottoms. But the Indian Government anticipated the repeal of the Navigation Laws by abolishing the distinction between British and foreign bottoms.

Sea customs.

The distinction between British and foreign products still remains, and, I must say, seems inconsistent with the general free-trade principles of the empire.

The principal receipt from sea customs is from import duties, but some export duties still remain. The coasting trade from port to port throughout India is free. The rates at present levied on the principal articles are as follows:—

IMPORTS.	British.	Foreign.
Metals	5 per cent.	10 per cent.
Woollens	5 ,,	10 ,,
Cotton and Silk goods	5 ,,	10 ,,
Cotton Thread	3½ ,,	7 ,,
Beer, &c.	5 ,,	5 ,,
Wine	1 rupee per gallon	
Spirits	1 rupee 8 annas do.	
Other manufactured articles	5 per cent.	10 per cent.

Exports generally 3 per cent.; bullion, &c., free; cotton and sugar to British possessions, free.

The inland customs line, in the North-West Provinces, is, as I have said, the same by which the duty on salt is levied. It divides our north-west terri-

Land customs.

tories from Rajpootana, Malwa, &c. The duty is levied on only two articles: the import of cotton and the export of sugar. On the former, the rate is 8 annas or 1*s.* per maund of 82 lbs. On the latter, 3 annas per maund on raw material for sugar, 8 annas on the manufactured article—on an average about 7*d.* per maund. The whole receipts seem pretty nearly equally divided between these two articles.*

I have mentioned that all customs and transit duties in the Punjab have been abolished.

The Madras and Bombay inland lines are between the territories of those Presidencies and the possessions of the Nizam and other chiefs; and the rates very much correspond with the sea duties. On the Madras continental line a scale of import duties is given with the Board of Revenue's Circular of 11th August, 1845. Cotton is not put down as a dutiable article; sugar is prohibited (for what reason does not appear); grain free; other articles 3½ to 5 per cent. I have not the receipts of either of these lines separate from the sea customs.

The whole gross receipts from land and sea customs are as follows:— General statement.

	Gross Revenue.	Charges.	Net Revenue.
	Rs.	Rs.	Rs.
Bengal Sea Customs (excluding *salt*) .	39,27,500	4,74,800	34,52,700
N. W. Continental Line on Cotton and Sugar only	12,16,000	2,00,000	10,16,000
Punjab Customs (now abolished) . .	5,56,000	6,000	5,50,000
Madras (Sea and Land)	10,27,100	2,15,433	8,11,667
Bombay (Sea and Land)	27,39,010	4,08,640	23,30,370
Total	94,65,610	13,04,873	81,60,747

* The 'Examiner,' in a review of Indian customs, made out the excessive customs charge on this line to be a monstrous abuse; the fact being, simply, that the whole expense of the customs line was charged against the small customs receipt, and the salt receipts were entered separately, whereas seven-eighths of the duty levied is on salt, and but for salt the line would never be kept up.

The most remarkable feature in this result is the very small proportion of the Madras customs, which, considering that it has the sea on all sides, and that all the south of India must be thus supplied, would seem to indicate a poverty and inability to consume foreign goods, out of all proportion to the other Presidencies.

Opium revenue.

Opium is still more than salt a great source of revenue of our own creation, and is now the most productive of any, next to the land revenue. It is, however, a more fluctuating and uncertain income than any other. Its great distinctive feature is that it is in fact an immense export duty, three or four times the intrinsic value of the article; and as such, I imagine, quite without parallel in the world. We have as large import duties (*e. g.*, that on tobacco in this country), but probably nowhere else is such an export duty possible. In fact, though India produces everything, she has not, in most things, a pre-eminence over other countries; but in this one product of opium she stands almost alone—not only first, but *sui generis*—so much so, that, even with this immense export duty, she suffers little from any competition in China, her neighbour and great customer for opium. Turkey opium is not nearly so much liked by the Chinese, and is not sold in such quantities, or at such a price, as seriously to affect the market.

The Indian Government is, then, enabled to realise a very large and most unexceptionable revenue at the expense of the Chinese, by taxing the supply to them of a pernicious drug. Under native governments, little if any revenue was derived from opium, except as a common article of cultivation; and the drug was sold at a cheap rate, and very generally used. We only permit its cultivation and sale with the imposition of our very high duty. In India we derive but a very inconsiderable revenue from this source. Our taxation diminishes the consump-

tion, and it is well that it should be so. The Chinese have a stronger appetite, and almost the whole of our revenue is derived from opium exported for sale to them; and which, if Government did not interfere, would go to them under a free trade, in increased quantities and at a very cheap rate.

Opium requires a temperate climate, and is grown in all the north of India, but not in the south. The great sources of supply for export are, first, the plain of the Ganges *above* Bengal, in our provinces of Bahar and Benares; second, the part of Central India called Malwa, between Agra and Bombay. It can be grown much more cheaply in the former provinces, and, if upon equal terms, the Malwa opium would soon be driven out of the market; but unluckily the latter country belongs to different protected native states, with whom we have not felt authorised to interfere in the matter, and we have been obliged to let their free compete with our highly-taxed opium, subject only to such a tax on its passage through our territories as we can impose without fear of the smuggling of so valuable and little bulky an article. The consequence is that the Malwa opium has all along gone to China much less highly taxed than our own, and it is only lately that we have begun to try to equalise the duty in some degree.

Sources of supply of opium.

Malwa opium.

In the Bengal Presidency the opium is in fact a monopoly. Now every monopoly is in reality a tax on the consumer, but this is not subject to the general objection to monopolies—that it is a tax on the community for the benefit of individuals. It is a tax levied on the Chinese for the general benefit of the State; and the only question is, whether this is the best and cheapest form of the tax in preference to an excise. It has been considered that, if the cultivation were free, and Government levied so high an excise, it would be im-

Bengal opium system.

possible to prevent smuggling; and that it is therefore the cheapest way only to allow the cultivation under contract with Government, which, through its agents, obtains the limited quantity which it requires at the cheapest rate it can, and sells it at the highest rate it can. The free cultivation is therefore prohibited throughout our Bengal provinces, which has also the effect of diminishing the consumption in those territories, and thus preventing the demoralization of the people. The cultivation is permitted in the native states, and in our far away non-regulation districts; but as these are many hundred miles from the sea, and the import into our provinces, or even possession of considerable quantities, is strictly prohibited and prevented, it is not found that smuggling results. So far, therefore, as revenue is concerned, it would be sufficient to prohibit free cultivation within five hundred miles of the sea; and it is useless to interfere with it in our provinces above Allahabad, while it is permitted in Oude. It might even be a question whether, if Government bought the drug in free markets of Bahar and Benares, and strictly prohibited its introduction into Bengal (which is not an opium-growing country), the object might not be attained; but then comes the other view of the question, that we should thus give cheap and plentiful opium to our subjects in the interior of the country, which is by no means desirable; so perhaps it is as well that things should remain as they are.

Opium agencies, and mode of procuring the supply.

For the supply and manufacture of Government opium there is a separate establishment. There are two great opium agencies at Ghazeepore and Patna, for the Benares and Bahar provinces. Each opium agent has several deputies in different districts, and a native establishment. They enter into contracts with the cultivators for the supply of opium at a rate fixed to meet the market. The land revenue authori-

ties do not interfere, except to prevent cultivation without permission. Government merely bargains with the cultivators as cultivators, in the same way as a private merchant would, and makes advances to them for the cultivation. The only difficulty found is to prevent their cultivating too much, as the rates are favourable, Government a sure purchaser, and the cultivation liked. The land cultivated is measured, and precaution is taken that the produce is all sold to Government. The raw opium thus received is sent to the head agency, where it is manufactured, packed in chests, and sealed with the Company's seal.

As the supply of and demand for opium are uncertain, and it cannot be kept for years, like salt, instead of selling it at a fixed price it is sold by auction, in quantities and at times advertised at the commencement of the season, and each lot is knocked down to the highest bidder. This creates great speculation and competition, which is regarded by some as an evil, and said unduly to enhance the price; but I do not think that there can be much in these ideas, or that the price can be unduly enhanced by fair competition more than in any other mercantile speculation. One advantage of the monopoly is that, with the Company's seal, the opium passes for genuine, whereas the free Malwa opium is very much adulterated. Under this system the revenue derived from opium has been, in spite of fluctuations, largely increasing. The cost of the article to Government is about 325 rupees per chest.

Sale by auction.

In 1837 the sales at Calcutta had reached 17,244 chests, at a little above 1000 rupees each, yielding 1,76,16,665 rupees.

Receipts 1837 to 1845.

For several subsequent years the Chinese prohibition and Chinese war woefully reduced the revenue, but since the war it has risen to be very much larger than ever, and in 1843–44–45 the price rose to about 1350 rupees

per chest, the gross revenue was about two and a half millions sterling, the net revenue not far short of two millions, and the Government profit about 320 per cent. on prime cost, or upwards of 1000 rupees per chest.

Duty on Malwa opium.

But meantime the Malwa opium exported from Bombay had, up to 1842, paid only 125 rupees per chest, and an equal or a larger quantity was exported, to compete with the Bengal opium. This inequality was clearly inexpedient, and the object has since been to equalise the duty, as far as possible, in two ways; first, by increasing the quantity and lowering the price of Bengal opium, and thus obtaining for it a larger share of the market, to which its cheaper production entitled it; secondly, by raising the duty on Malwa opium.

Object to equalise duty.

This has so far been effected that the Bengal sales for 1849–50 have increased to upwards of 37,000 chests, averaging 1001rs. 6an. 2½p. per chest, and yielding in gross 3,75,46,596 rupees, and net 2,55,90,000, or a profit not far short of 700 rupees per chest, while the Bombay opium duty has been gradually raised to 400 rupees per chest; and whereas, in 1845, 24,700 chests were exported from Bombay, yielding, at 200 rupees per chest, 49,00,000, in 1849–50 we have 20,000 chests, yielding, at 400 rupees, 80,79,300.

By these arrangements the duty is, to a certain degree, equalised, and the revenue is much increased, and we shall clearly only have the right state of things when the duty on both sides of India is made quite equal, when we can fix the Bombay duty at, say 700 rupees per chest, and then selling the Bengal opium at the same rate, in addition to the prime cost, realise the greatest revenue, on the fairest terms, from the smallest quantity of the drug, and with least injury to the Chinese.

Not only is the system of late thus improved, but the

market in China seems to be extending, and the price does not fall so much as the quantity increases.

For 1849–50 the opium revenue thus stands:— Receipts 1849-50.

—	Gross.	Net.
	Rs.	Rs.
Bengal . .	3,75,46,569	2,55,90,304
Bombay . .	80,79,300	79,96,540
Total . .	4,56,25,869	3,35,86,844

Showing an enormous net revenue of nearly three millions and a half sterling, realised at the same time that we promote the morality and sobriety of the Chinese, by taxing and restricting the supply to them of so noxious an article. Under present circumstances there seems every probability of this revenue still further increasing. The failure of one attempt of the Chinese to exclude the drug has shown that they are not likely to effect that object, and if we do not supply them some one else will; but the worst of it is, according to some people, that, if the Chinese only legalised the cultivation in their own country, they could produce it much cheaper, and our market would be ruined. Both for their sakes and ours we must hope that it is not so, or that they will not find it out.

The next tax is similar in character to that on opium, viz. that on intoxicating liquors; but this is derived, not from exports, but from consumption in our own territories, and is comparatively small in amount. It was a small source of revenue to native Governments, but the consumption was inconsiderable. The mode adopted by us is not an excise after European fashion, but the sale of licences to vend spirits,—in fact, of small monopolies. The monopoly of spirit-vending in Excise.

each large town or district is farmed yearly to the highest bidder, who sells his wares at whatever price he thinks most profitable, but under regulation as to the number and position of shops, hours of keeping them open, &c. Of course he charges a much enhanced price to cover his purchase-money; still it is a curious fact, partly owing, no doubt, to the diminished consumption of opium, but also to other causes, that under this strict monopoly system the consumption of spirits much increases, and that, while we find it small, it becomes considerable in towns and cantonments where our rule and system have been long established. The fact is, that there are exceptions to all things, and although, in the general course of established trades, there can be no doubt of the advantage of free trade, and the disadvantage of monopolies, still there may be cases where a trade has not so much to be promoted as created, in which the inducement of a monopoly will succeed when free trade and small profits do not find a footing. So it has happened in this instance of the spirituous liquors, that the trade, small and neglected before, has been stimulated by monopoly and monopolists into considerable activity. The monopolist incurs a trouble and expense in creating a vend for his wares, which the free-trader could not afford. The trade and the taste once created, the sale would now, no doubt, be greater under free-trade; but it is by no means an object to extend it. The tax is a desirable one, and it is found more convenient to levy it in this way than as an excise.

The whole of the other taxes, included under the head of Sayer, have been generally abolished. But there are one or two small receipts from licences for drugs, and such things not strictly classed as spirits, and the receipts are still credited under the general name of "Sayer and Abkaree," the latter meaning the duty on "waters."

The receipts are as follows:—

Bengal	Rs. 30,31,400	
Calcutta excise . . .	2,81,600	
		33,13,000
North-West Provinces . .		29,50,000
Punjab		3,54,000
Madras		24,56,139
Bombay		9,28,350
	Rs.	1,00,01,489

—a little over one million sterling.

On spirits manufactured after the European mode an excise of one shilling per gallon is levied, with drawback for exportation.

This branch of revenue has generally been managed by the magistrates, and the charges are included in the land revenue accounts; but of late years it has in Bengal Proper been put under a separate establishment. I understand, however, that the old system is likely to be reverted to, as the revenue realised in Bengal is not larger, and the charge is much heavier, than elsewhere.

Tobacco revenue in Madras.

There remains to notice a peculiar revenue of a similar kind, levied on tobacco, in one portion of the Madras Presidency only. Tobacco is largely grown and largely used throughout all India, but was not, I believe, taxed by most native Governments, nor is it by us except in this instance. How the exception arose I do not know. It probably originated in some scheme of profit of some individual native ruler, and has been continued by us in consequence of our financial difficulties. It seems that in the provinces of Malabar and Canara, on the western coast, private trade in tobacco is prohibited, and the Government, purchasing it up in other districts (wherever it grows best), sells it at enhanced prices in these provinces.

The revenue thus realised is . . .	Rs.	8,81,065
Cost		2,65,523
Giving a profit of	Rs.	6,15,542

But it is difficult to reconcile this small exception with the general exemption of the article from tax.

The miscellaneous taxes levied under native Governments on heads, hearths, trades, professions, markets, &c. &c., have been generally abolished throughout our territories in India, with the exception at Madras. This is the Moturpha revenue, which is levied on the following articles:—

Shops.
Looms.
Sheep.
Cattle.
Sundry professions, &c.

It is an old and universal native tax, and, being small in amount, paid for the most part by people who paid nothing else to Government for their protection, and an established usage, was not of itself a *very* great grievance. But, as involving much detail, vexation, and abuse in the collection, and bringing small profit, it was very early abolished in the Bengal Presidency.

Moturpha revenue in Madras.

It remained in Madras and Bombay (as the native system was in those presidencies more exactly adhered to), but was abolished in the latter in 1844, when the small salt duty was increased. It still remains in Madras, and yields 11,55,194 rupees. It is collected along with the land revenue.

It seems surprising that this remnant of an ancient, vexatious, and unprofitable system should remain at Madras alone, especially as that presidency pays much better than Bombay, where they are so liberal to everybody while they have Bengal to draw upon for the deficit.

Next come the stamp duties and judicial fees and fines,

both of the same nature, viz. taxes on litigation and crime towards the support of the Courts. The in- Stamps and fines.
stitution fee on suits is in the shape of a stamp. Moreover, all petitions and papers of all kinds filed in court are required to be on stamped paper.

In addition to these judicial charges, since 1824 stamped paper has been required for bills of exchange, agreements, receipts, deeds, &c., as in England. The date and record of vend on the stamp is supposed to be a security against forgery. But, on the other hand, it is to be observed that in no country are agreements, receipts, &c., more frequently put into writing than in India, and it seems very doubtful policy to discourage this good practice by throwing so serious an obstacle in the way as requiring stamps. I do not know the rate of stamp duties at Madras, but the receipts seem low out of all proportion.

The judicial fees and fines are what the name imports, but, as few fees are received in money, the receipts must be principally fines; and they are small in amount compared to the fines under native Governments.

The whole receipts are:—

				Charges, Judicial and Police.
		Rs.	Rs.	Rs.
Bengal	Stamps	22,37,600	30,30,500	64,82,332
	Fees and Fines	7,92,900		
Agra	Stamps	14,50,000	17,27,000	71,23,000
	Fees and Fines	2,20,000		
Punjab	Stamps	37,000	37,000	..
	Fees and Fines			
Madras	Stamps	4,20,363	5,22,077	33,74,322
	Fees and Fines	1,21,714		
Bombay	Stamps	5,55,000	6,40,250	24,55,857
	Fees and Fines	85,250		
	Total	59,39,827	..	1,94,35,511

It thus appears that the present receipts from judicial stamps, fees, and fines are not nearly sufficient to support the establishments.

The tributes received from native states have been particularised in Chapter IV.

Post-office and other miscellaneous receipts.

I do not give the Post-Office as a source of revenue, though it is placed at the head of the official list, because it is not meant to be so. Government is content if its work is done without charge.

The following is the result:—

	Collections.	Charges.	Surplus.	Deficit.
	Rs.	Rs.	Rs.	Rs.
Bengal	4,80,500	5,36,800	..	56,300
N. W. Provinces	8,00,000	7,65,000*	2,13,000	..
Punjab	1,78,000			
Madras	4,03,773	4,33,903	..	30,130
Bombay	2,43,000	3,92,110	..	1,49,110
Total	21,05,273	21,27,813	..	22,540

Showing only a small deficiency, but a difference in different Presidencies, inasmuch as the large profit in the North-West Provinces makes up for the deficit in other parts; Bombay in this, as in other matters, being the chief source of loss.

It is singular that the Post-Office revenue of the North-West Provinces should be so much larger than that of Bengal, the latter being so much older a possession, and so much more Anglicised.

The remaining sources of income are as follows:—

* The North-West and Punjab establishments are one, though separately stated in the accounts.

	Revenue.	Charges.	Surplus.	Deficit.
	Rs.	Rs.	Rs.	Rs.
Mint Duties	7,39,010	5,23,800	2,15,210	..
Marine Pilotage and Dock Dues	9,44,560	40,69,950	..	31,25,390
Receipts from Burmese Territory	19,67,700	12,23,000	7,44,700	..
Prince of Wales Island, Singapore, and Malacca	7,03,540	6,84,340	19,200	..
Receipts from Scinde	29,83,750	43,92,420	..	14,08,670
Miscellaneous	19,85,640	..	..	..
Total	93,24,200	108,93,510	..	..

Before leaving the subject of revenue it is necessary that I should mention the few taxes locally collected and expended, and not included in the general accounts. They are few in number, and are in fact of only two descriptions—first, for roads, bridges, and improved means of communication; second, for local police or watchmen, and sanitary measures in large towns.

Local taxes.

Throughout both portions of the Bengal Presidency and the Punjab, the large rivers with which they abound are crossed by public and regulated ferries; and partly for purposes of police, partly for revenue, boats are only allowed to ply at the regular ferries. At the principal of these a toll is levied on the part of Government exceeding the cost. Government provides for the proper supply of means of transport. Generally the boatmen receive a stipulated proportion of the proceeds, supplying boats and labour. On the great roads, where there is large traffic, and troops, &c., are continually crossing—on the Ganges and Jumna at and above Allahabad, and on the rivers of the Punjab—bridges of boats are formed every cold weather from the proceeds of the ferries, and are maintained till the rain-floods render them all untenable, except that at Agra, which now remains

Ferry fund.

throughout the year. But after provision made for the ferries there remains a large surplus, which is not credited to Government, but is applied as a local fund for improving the means of communication generally, building bridges and caravanserais, mending roads, and planting trees. As some districts have more ferries than others, the proceeds of several contiguous districts are generally brought into a common fund and equally divided.

Road fund.

The landed proprietors are held to be originally responsible for the maintenance in proper order of the roads passing through their lands. In the North-West Provinces at the time of the last settlement, engagements were taken from them in lieu of this obligation to pay one per cent., in addition to the land revenue, as a local road fund, to be expended in the making and maintenance of roads within each district, and this road fund is administered along with the ferry fund. No such fund exists in Bengal; but the system is followed in the Punjab. The road and ferry funds are managed by district committees, of which the magistrate and collector of the district is the head, and generally the manager. The other Government officers and chief inhabitants of the district may be made members. It is not a subject in which the natives take much part; but European indigo planters are often very useful in applying the fund.

In Madras there seems to be no such local provision for improvements, nor have I heard of any in Bombay. But at the Bombay Ghauts, or hill passes, a toll is levied to form a fund to keep the roads in order.

Tax in towns for watchmen, &c.

For local police and watchmen in large towns provision is made from local sources. All octroi duties and taxes on trades, &c., having been abolished, and towns in India possessing no corporate property, this expenditure can only be met by

direct taxation. Accordingly in the principal cities a house tax is imposed, varying from 3*d.* to 4*s.* monthly, on each of the better sort of houses and shops, the poorer classes being omitted altogether. In a town of 50,000 to 100,000 inhabitants, about 100 or 150 watchmen and scavengers are entertained under the regular police, and in other towns in proportion. Any surplus collections are sometimes devoted to sanitary measures of extreme necessity; but the tax is so unpopular and difficult of collection, that it is not generally used for anything beyond its first purpose; and for local improvements a magistrate is hard pressed, and can only by persuasion and influence get things carried out. He induces each shopkeeper to construct a drain or part of a drain in front of his shop, and adopts many similar devices, while he assists with the labour of prisoners and such small funds as he can command. It is wonderful how easily rich merchants can be induced to lay out a great deal of money in building and ornament (they are very fond of brick and mortar) who resist to the death the payment in cash of a single rupee as a local tax.

The tax for watchmen, but very small in the whole, and for purely local purposes, has been more unpopular and more desperately resisted than all other imposts put together, for two reasons—first, that it is new; and second, that it is a direct tax. It falls principally upon classes who have never paid any tax before—the better inhabitants of towns.

The only purely civil rebellions which have ever occurred in our regular open populated territories have been in opposition to this impost in one or two great cities. However, resistance was put down, the system is carried out, and they are getting accustomed to it. But the assessment and collection of the tax gives great trouble. The assessment is made by "Punches" of different divi-

sions of the town, who allot the sums to be raised; but it is difficult to avoid inequalities, and every man fights to the last as to the sum he is to pay. All the regular police and charges connected with it of every description are paid by the general Government without reference to this local tax.

Local Woods and Forests.

In addition to these local revenues, the Government generally permits the proceeds of Government property—houses, gardens, shops, feuduties, bricks, fruit-trees, and such like, to which it has succeeded from the native Governments—to be used under its orders as a local fund for public improvements, public buildings, hospitals, &c. &c.

Few tolls on roads.

There are no tolls on roads, except in some parts of the Bombay Presidency; but an act has lately been passed legalising tolls generally, wherever Government may choose to establish them.

Comparison of our revenue system with that of our predecessors;

In comparing our present revenue system with that of the former native Governments, it is to be observed, first, that we retain under different systems and modifications the oldest, chiefest, and most proper revenue, that derived from the land; second, that we have abolished or altogether altered the character of almost all the other native imposts, the Sayer, the Moturpha, the transit duties, the large and heavy fines, and many other sources of income; and we have established or increased other taxes on a different system in their place. Our principle has been to do away with all local imposts, and to substitute general imperial sources of revenue. We have succeeded. Our salt, cus-

toms, and excise receipts probably give us a proportion of extra income, in addition to the proper land revenue, nearly as great as that realized by native Governments, while the accident of our being enabled to derive a very large income from a duty on opium paid by the Chinese makes it, I should think, considerably larger.

It may be safely said, too, that while the extra revenue is greater, it presses less severely on the people than under the old system. The salt duty is an impost which falls on them much more heavily than before, but it is not by any means an equivalent to the many things remitted to them. The customs and stamps press less heavily than the ancient transit duties and judicial fees and bribes; and the opium and excise taxes are by no means injurious, but rather beneficial, to the people from whom they are raised.

Lastly, it may be observed that our system has been more completely introduced in all the Bengal Presidency, and less so in Madras and Bombay.

In comparing the revenue system with that of other countries, what most strikes one is the very small amount of taxation on individuals, and the almost entire absence of any direct taxation. In fact, submissive as the country may seem, it is undoubtedly the case, that any direct taxes to which the people are unaccustomed would be met with the most determined and probably successful opposition, as is shown by the great resistance to the only little direct tax for local purposes ever imposed, that for watchmen in towns. and with that of other countries.

The land revenue, fairly assessed, is paid without hardship, because it is an ancient due, and is not looked on as a tax, but as the rent or portion of rent, *ab initio* reserved for the purposes of Government, and never the property of individuals.

The salt, customs, excise, and opium are all indirect taxes on Hindoos or Chinese, which we may levy without serious resistance. But direct taxes are out of our power. Attempt to levy an income-tax, and there would be a resistance such as few governments have experienced in Europe. The abstinence from direct taxation is the great secret of our power in India.

CHAPTER X.

FINANCE.

Our peculiar financial position — Our financial history — The debt — General statements of revenues and charges for 1849-50 — Finance of different Presidencies — Result of recent acquisitions — Financial comparison between 1835-6 and 1849-50 — Cause of deterioration explained thereby.

AFTER all, the important question in considering any administration is this simple one, Does the country pay? For without money we can do nothing. A government which has plenty of money is generally good, and one which is in difficulties is invariably exceedingly bad. It is very easy to accuse the Indian Government of exacting too much on the one hand, and spending too little for public purposes on the other; but we must first show where the money is to come from. Hence the importance of really attending to plain financial facts, and we should not discuss Indian politics in glorious disregard of them. It will appear that our Indian financial position is not at all so desperate as some writers would make out,—that we have erred on the side of excessive scrupulousness to the sacrifice of the revenue which might fairly belong to us,—and that the real causes of the deficits which have occurred are simple and evident enough if the facts be honestly sought for.

Before entering on particulars of Indian finance we must consider generally what our position in the country practically is. We are supreme throughout all India; we are responsible for its general government, and for the whole of its military defence; but we have by no means

the whole of the revenues. It is this circumstance rather than the detail of our expenditure which has made our position all along so peculiar. India is a country yielding a very large revenue, very easily ruled, and very easily defended (so well is it fenced in by nature); and it is not only capable of paying for a regular peaceable and imperial government, but has always yielded and now yields a large surplus, either as the spoil of the conqueror, or applicable to the mitigation of the burdens of the people. Accordingly, although no oriental conquerors have ever obtained so complete an ascendancy, so quiet, universal, and undisputed possession as we have, yet all have enriched themselves from the revenues of the country, and many have out of their abundance laid out considerable sums on works of public improvement. With our principles I believe that we should not desire to enrich ourselves at the expense of the conquered country, and that, if we now had a surplus revenue, we should not think ourselves justified in applying it for the benefit of the English state, as the Dutch apply the surplus which they derive from Java; but we should rejoice in the opportunity of diminishing burdens and making improvements. From doing this we are debarred, because we have no surplus. We have by our more enlightened system much eased the burden of taxation by altering its form, but still the quantity of the whole burden is by no means diminished; yet we have no surplus. A foreign is doubtless more expensive than a native government; but then what we lose in this way we more than make up for by the greater economy of our system. We have no foreign court or foreign nobility to support; and probably our government is altogether less expensive than that of the Mahommedan Emperors; yet still we have the fact that they were much richer than we are; that, instead of getting largely into

Our general financial position in India.

debt, they had funds at their disposal, and could spend money on such objects as they chose. Why then was this? Simply because conquering the country they appropriated the whole of the revenues. In the more open and valuable territories they left no tributary princes, and permitted no large alienations of revenue; and in the poorer and more remote parts they but governed through tributary princes, as the cheapest mode of administration, and not from a regard to "vested rights." Hence, with all their extravagance, India was in their hands a paying country. We have been always in debt and often in difficulties, and have been prevented from doing our duty by the people of India, because with a false conscientiousness we have shrunk from avowing ourselves the conquerors of the last conquerors, and from putting ourselves in a position to make the most of the situation given us by Providence for the benefit of the conquered.

We have almost entirely advanced by bargaining with those who had no better right than ourselves, as if they were the lawful owners of the country and the people. We have obtained territory on the condition of rendering full equivalent in military assistance and protection, and we have thought it necessary in that territory to respect what we call the "rights" of the subordinates of the previous conquerors. The result therefore is, that at this moment we are bound to all the duties and expenses of the Government of India, with a revenue which, with the utmost tension, is barely sufficient; while the surplus is actually still enjoyed and squandered by the effete descendants of other conquerors, or of deputies or favourites of conquerors whose days have long gone by; and these hardly in any instance even conquerors of any respectability, standing, or prescription, but mere usurping modern governors or creatures of our own creation, whose pretended claims we choose to prefer to our own better

founded right. Both their rights and ours were but those of the sword, and to us Providence has now decreed the rule of the country. But, doubting our own proper title, we think to save our consciences by founding it upon another which is infinitely worse, and by dividing the revenues with others who have no valid claim to them. We are generous without being just—generous to the worthless and undeserving few instead of just to the many, an account of our stewardship over whom will be required at our hands. We seem to suppose that virtue consists in liberality to real or pretended princes and nobles, rather than to the people. Hence it is that we are unable to spend so much for public ends as was derived by the country from the pride or superfluity of the Mahommedans; and that, while we have abolished some taxes, we are obliged to substitute others from which the people of a country fortunate enough to retain the unalienated land-rent for the purposes of Government, and to be ruled over in peace by a civilised Christian nation, might hope to be relieved.

We have seen in Chapter IV. the list of native states, their origin, and the terms on which they hold their territories. All the most valuable of these states are in the centre of our possessions, composed of productive, paying territory, and each is so much taken from revenue without decreasing by one farthing (but rather increasing) the imperial military and general expenditure; and the native rulers consume the revenue without the expenses or responsibilities of government. Take, for instance, Oude,—the king has no good or ancient title. The territories claimed by him and conquered by us would have yielded a large surplus; but instead of standing on our own right, we make a bargain with him, take half the revenue and the whole of the expense, and leave to him half the revenue and none of the expense. And there are many other princes, with or

without the shadow of a just claim, who thus eat up the surplus revenue. There is, moreover, the large class of alienations in various forms in our own territories. It is then no wonder that we have no money to spare, and that the mass of the people is sacrificed in favour of conspicuous individuals.

I estimate the whole gross revenue of India, as it would be under our present revenue system, at about 48 millions sterling, which is thus accounted for:—

Native States estimated (but revenue probably exceeds the estimate) . . .	£13,000,000
Alienations in our own territory, inferior States, rent-free lands, &c. &c. &c. .	5,000,000
Sacrificed by permanent settlement of Bengal	2,000,000
Political pensions and assignments, Bombay hereditary officers, &c. . . .	2,468,969
Total	22,468,969
In our own hands	25,288,884

From this it appears that we in fact possess little more than half the revenues of India. Whereas, if we appropriated the whole, we should undoubtedly have a large surplus, and India might be more lightly taxed than any country in the world.

Next, let us see how we have managed that portion of the revenues which we do possess.

I do not by any means argue that we have done positive evil in consequence of our unfortunate financial position; but only that we have sacrificed the good which we might have done. It has been seen that our taxation is by no means intolerable; and it appears that in all our acquisitions we have so well calculated, that our ordinary revenue has defrayed our ordinary expenditure. Our debts are almost without exception the result of *extraordinary* expenditure in war. Having no surplus to fall

back upon, we have always been obliged to borrow on these occasions; and we have now a debt, the interest of which consumes a considerable portion of the revenue.

It is necessary then to look a little back to our financial history. The Company's commercial capital subscribed in England, and with which we first established ourselves in India, was nominally altogether 6,000,000*l.*; but as a portion of this sum was subscribed at enhanced rates, the whole money actually contributed was 7,780,000*l.* This has been spent and absorbed; but as the result of a successful speculation interest is paid from the revenues of India at 10½ per cent. on the nominal stock, being 650,000*l.* per annum, and the principal is to be paid at a double rate, or altogether 12,000,000*l.*, so that the latter sum may be considered a debt due from India.

Our financial history.

It would be difficult and uninstructive to trace minutely in figures the whole progress of our revenue and debt. A very brief and general sketch will suffice.

In the very commencement of our territorial acquisitions we felt the difficulty of our financial position. From one revenue we had to defray the cost of two governments, our own *de facto*, and the native supposed to be *de jure*. The consequence was, that even under Clive, the first conqueror, the country did not pay. There was continual trouble about remittances to the Company at home, and the Indian Government got into debt about two millions sterling. Warren Hastings, being strongly urged by the home authorities to remedy this state of things, used his utmost endeavour to do so. He attempted to get a larger share of the revenue of the country which he in fact ruled, to make the Governor of Oude and others more punctual in the performance of their stipulations, and in so doing resorted to expedients which to English eyes, with Eng-

Clive.

Warren Hastings.

lish exaggerations, measured by English manners and standards, and supposing those with whom he dealt to be strictly rightful owners and native sovereigns, seemed harsh. In spite of very difficult times, he at first succeeded in somewhat reducing the debt, and much easing the Indian finances; but in subsequent difficulties fresh liabilities were incurred. Hastings was persecuted and misrepresented; those who got the money were willing to sacrifice the man through whom they got it; and in the end, under his successors, it has become an established fact that the Indian Government is in matters of finance the most pusillanimous or self-denying in the world; always gives to others the benefit of a doubt, respects everything which puts forth the pretext of "vested rights," yields to interested outcry, and consequently has no surplus, but a great deal of debt. And the hard thing is, that the ancient accident of Hastings' persecution having given it a bad name, that bad name sticks to it to the present day; and with all its sacrifices—unjustifiable sacrifices of legitimate revenue—it is still popularly believed in England to be harsh, grasping, and extortionate; and any idle or malicious agitator, or newspaper vendor, or hired advocate, has but to trump up the most improbable story of oppressed ryots, excluded Rajas, or ill-used Commissariat contractors, and it is greedily swallowed by a large portion of the public. Such is the misfortune of a bad name, and so little the profit of foolishly sacrificing the means of doing real good.

After the establishment of the Supreme Government in 1775, our position amid Mogul Governors, Marattas, and Affghans, all contending for the falling empire, was very difficult; our power was greatly extended; the calls from home for money were continual; and the Governor-General was much hampered in his movements. In the ten years from 1775 to 1785 the debt increased

to about 8,000,000*l.* But Hastings left a promising revenue and considerable surplus, which were for Bengal alone as follows:—

Revenue . . .	£ 5,315,197
Charges. . . .	4,312,519
Surplus . .	£ 1,002,678

Cornwallis.

During the following ten years, under Lords Cornwallis and Teignmouth, we had in Bengal peaceful times, and did not advance; and notwithstanding the war with Tippoo at Madras, the debt did not materially increase. The Company's dividends were regularly paid, and there was then established that admiration of quiet management and dislike to extension of territory which long marked the policy and instructions of the home Government.

In 1793 the financial statement stands thus:—

Revenue of our whole possessions .	£ 8,225,628
Indian Expenditure . . .	7,007,050
Surplus for remittances, &c.	1,218,578
Indian Debt . . .	£ 8,000,000

Lord Wellesley. Great debts incurred.

But from 1798 to 1805, under Lord Wellesley's administration, came very expensive wars, great advance of our power, immense extension of the subsidiary system, and exceedingly increased debt. A very large proportion of our whole present debt was in fact incurred at this time.

In 1805 the debt had reached the sum of 25,626,631*l.*

The Revenues are stated at .	£ 15,403,409
Total Charges—Indian and Home	17,672,017
Deficit . .	£ 2,268,608

To remedy this state of things, the home Government (not perceiving that in such a position as ours in India we could not halt where there was no halting-place) ordered *not* the appropriation of the revenues of the countries of which we were *de facto* masters, but our withdrawal from them, and thus caused a backward move just when the first convenient limit—that of India within the desert—had at a great expense been nearly reached. However, for some years fresh wars were avoided, the deficit nearly disappeared, and in 1810—

The Revenue was . . .	£ 15,525,055
The Expenditure . . .	15,551,097
The Debt	28,897,742

The interest of the debt (at one time 10 or 12 per cent.) was now reduced to 6 per cent.; the prosperity of the country increased, and the finances assumed a favourable aspect.

In Lord Hastings' time (1813 to 1823) it was found necessary to complete our supremacy in India within the desert, from which we had retrograded in 1806. The Nepal and Pindaree wars were a fresh source of expense, and we made great acquisitions of territory and power. But the revenues were prosperous and increasing, and Lord Hastings succeeded in establishing our supremacy without materially adding to the debt. In 1823

Lord Hastings—prosperous times.

The Receipts were . .	£ 19,645,000
The Expenditure . . .	19,792,000
The Debt	29,382,600

It is to be observed, however, that about this time the rate of exchange at which the Indian accounts were calculated was greatly altered, and hence much apparent discrepancy. When India was principally an exporting country the rate of exchange was generally 2*s.* 6*d.* per

rupee, but since the imports have so much increased it has averaged about 2*s.* per rupee, and the calculations were therefore altered. Thus the revenue at the close of Lord Hastings' reign is stated at the old rate to have been 23,120,000*l.*, and at the new rate but 19,645,000*l.*, as I have given it, and the debt must also be reduced in proportion.

Lord Hastings' reign was then very successful, and Lord Amherst found the finances prosperous. But they did not remain so. The Burmese war caused fresh expense—all the establishments seem in this reign to have been much increased, and the administration must have been altogether extravagant. From 1825 to 1829 no less than ten millions of debt was incurred, without any sufficient cause; but, owing to the alteration of the rate of exchange, only about half that increase appears in the account. In 1829 the debt was about 34 millions sterling, and there was a considerable deficit. But money seems notwithstanding to have been very abundant, and the rates of interest were reduced to four and five per cent., at which they still remain.

Lord Amherst—financial embarrassments.

Lord W. Bentinck was sent out expressly charged to remedy the grievous financial embarrassment of the former Government, and he was most successful. From 1829 to 1838 it has been seen that India enjoyed profound peace. Our empire being supreme within the desert, our frontier narrow, and Ranjeet Sing friendly, we attained a financial prosperity unknown before or since. Lord W. Bentinck not only got rid of the deficit, but created a large surplus. In 1835-6 there was, without any extraordinary receipts, a surplus of ordinary income of 1,466,848*l.*, and I have selected that year for a comparison with our present financial position. In 1837, the last year of surplus, the

Lord W. Bentinck—surplus revenue.

debt is stated at 30,446,249*l.* Hitherto there was an account of receipts and assets at home; but as in 1834 the commercial assets were applied to the liquidation of the commercial debts, and as the commercial debts and credits seem to have nearly balanced one another, it is not necessary farther to notice them than to say that a sum of 2,000,000*l.* was deposited in the Bank of England, at compound interest, with the view of eventually paying off the capital stock of the Company, and that a certain bond debt still remained in England.

The year 1837 seems to have been the culminating point of Indian financial prosperity. We had then a surplus—we have since had a continual deficit. Notwithstanding a very prosperous and largely increased revenue, our military establishments and war charges have increased in a much greater proportion. In 1837-8

The gross Income was	£ 20,832,710
The total Expenditure	20,052,393
" The Surplus	£ 780,317

But in 1838 commenced the Affghan war—the military charges rapidly increased—the Chinese war for a time very seriously diminished the opium revenue, and there was from 1839 to 1842 a deficit averaging nearly 2,000,000*l.* per annum. Between 1838 and 1843 upwards of six and a half millions was added to the debt, and in April, 1843, it is stated at 36,322,819*l.*

Affghan war—increased debt.

But the Affghan and Chinese wars were now over; and the revenue rose higher than ever. In the three years 1843-6 the receipts were upwards of two millions per annum higher than they had been in the prosperous years 1835-7, and, notwithstanding the state of preparation required by the disorganised condition of the Punjab,

we might have retrieved our financial position. But Sir Charles Napier chose to conquer Scinde, and, while he divided the spoil among the conquerors, the cost was paid by the Indian treasury. During these three years (1843-6) the local expenses of Scinde *alone* exceeded the gross income by 1,300,000*l.*, and an army was besides maintained in that country wholly isolated from India, which must have cost at least two millions more. About 3,400,000*l.* was thus added to the debt.

Scinde — more debt.

From 1846 to 1849 we had to pay for the two Sikh wars, and Scinde continued a burden. The revenue was increased by the acquisitions of 1846; but in 1847-8 the opium fetched a lower price than usual. Another four millions of deficit occurred, and the debt was raised to 44,208,080*l.*, as calculated in the parliamentary accounts at 2*s.* per sicca rupee, or, as I calculate, at 2*s.* per Company's rupee, 47,151,018*l.*, being 47,15,10,184 rupees.

Sikh campaigns.

In 1849-50 we had again peace. A bill of 829,630*l.* was still due for the late war charges; but the revenue of the Punjab has been added—that of our older provinces is more flourishing than ever, and in particular the receipts from opium have reached an unprecedented height. The deficit has therefore disappeared. But there is little more than a nominal surplus. An entire cessation of the war-charge would be so much gained in subsequent years; but then, on the other hand, it must be remembered that we cannot depend on realising from opium *every* year the somewhat extraordinary income of 1849-50, and that we must calculate on occasional diminution of several items of receipt. It cannot therefore be considered that our fixed and ordinary income materially exceeds our fixed and ordinary expenditure. It is sufficient, but little more. I shall therefore, before concluding this chapter, try to show how, in

1849-50 — cessation of war—revenue equal to expenditure.

spite of a much-improved revenue, we have a less favourable balance-sheet than in 1835-6.

The Gross Revenue for 1849-50 is stated at	£27,757,853
The Net Revenue	21,686,172
The Charges	21,621,326
The Surplus . . .	£64,846

Having now, then, reached the natural limits of India, we have nothing to hope or to fear from advance of our frontier. We must look to our internal resources. If we are fortunate enough to avoid war, we may either continue our present system, without getting farther into debt, without materially relaxing the burdens of the people, and without spending large sums on public improvements; or we may appropriate a larger share of the internal revenue of the country, now consumed by those who toil not, and so creating a large surplus we may make reductions and improvements.

Measured by European standards, the financial position of the Indian Government is by no means bad, but it might be much better.

The debt.

The Indian Debt I have stated at . .		£47,151,018
There is also a Bond Debt at home of .		3,920,692
Total . .		£51,071,710
To this we may add Company's Capital Stock as it is to be paid . .	12,000,000	
Less credit in Bank, by this time increased to—say .	3,500,000	
		8,500,000
Making a total of . .		£59,571,710

This is the whole amount of liability, on account of which are now paid from the revenues of India the following annual sums:—

Interest of Debt	£ 2,410,535
Dividend on Capital . . .	629,435
Total . .	£ 3,039,970

On the other hand, against the debt of 59,571,710*l.* is to be credited

Cash Balance in India . . .	£ 11,042,455
Cash Balance and Money in Funds in England	2,889,227
Leaving . .	£ 45,640,028

to set against the whole of the public property and public works of the Government, which is, comparatively speaking, not a very large debt as the price of the acquisition of so great a country; and if we but now, being masters of the whole of India, manage well and keep out of wars, we are in no immediate danger of bankruptcy.

The different rates of exchange and different kinds of rupees cause great confusion in all Indian financial statements, and I hope that I have much simplified the following statements by reducing them to the uniform modern Company's rupee and the simple decimal exchange of 2*s.* per rupee. But this circumstance must be borne in mind, as accounting for various discrepancies in my statements as compared with some of the published accounts.

The annual Parliamentary accounts are made up in a peculiar way. The Presidencies are not combined; the gross revenue of India is not given; some charges are written off from the gross, some charged against the net revenue, while some items of receipt are in a singular way written off the charges. I have tried to show the result in as plain and simple a form as possible. I have given the detailed revenues and charges for 1849-50, although the accounts for that year are stated as partly an estimate, because it is the latest year of which we have

public accounts in any shape, and is the only recent year of peace in which we obtain an approach to ordinary income and expenditure. The "estimate" is made *after* the close of the year, and is *fact* as to the general result, though the details of the account are estimated. I regret that I have not yet been able to obtain the actual accounts of that year, but I have ascertained so much as to be sure that the result will be at least as favourable as the estimate, probably more so; and, for all practical purposes of comparison, the account which we have will do sufficiently well.

I here annex a statement (I.) of the revenues and charges of India for fifteen years, detailed statements (II. and III.) of the principal items of revenue and charge for 1849–50, comparative statements (IV., V., and VI.) of the revenues and charges of each Presidency, &c., for that year, and a statement (VII.) of the ordinary revenue and charges of our acquisitions from the Sikhs, as they will be for the future divested of the extraordinary items of 1849–50.

I.—REVENUES and Charges of India for 15 years from 1835–36 to 1849–50.

	Gross Revenue.	Net Revenue.	Charges.	Surplus.	Deficit.
	£.	£.	£.	£.	£.
1835–36	20,680,246	16,391,000	14,924,152	1,466,848	
1836–37	20,976,580	16,215,000	14,966,776	1,248,224	
1837–38	20,632,710	16,070,000	15,289,682	780,318	
1838–39	. .	16,320,000	16,701,000	. .	381,000
1839–40	. .	15,512,000	17,650,000	. .	2,138,000
1840–41	. .	16,141,000	17,895,000	. .	1,754,000
1841–42	. .	16,834,000	18,605,000	. .	1,771,000
1842–43	. .	17,485,000	18,831,000	. .	1,346,000
1843–44	. .	18,284,000	19,724,000	. .	1,440,000
1844–45	. .	18,271,000	18,854,000	. .	583,000
1845–46	. .	18,998,000	20,493,376	. .	1,495,376
1846–47	25,272,520	19,896,000	20,867,202	. .	971,202
1847–48	24,675,960	18,748,000	20,659,791	. .	1,911,791
1848–49	25,231,000	19,442,000	20,915,115	. .	1,473,115
1849–50	27,757,853	21,686,172	21,621,326	64,846	
		Total . . . . . £		2,093,388	15,264,484

Gross Deficit	£ 15,264,484
Gross Surplus	2,093,388
Net Deficit from 1836 to 1850 .	£ 13,171,096

II.—REVENUES and CHARGES of India

REVENUES.

	SOURCE.	Gross Revenue.	Charges of Collection, Manufacture, &c.
		£.	£
1	Land Revenue	15,178,676	
2	Excise	1,000,148	1,732,494
3	Moturpha at Madras	88,106	
4	Salt	3,189,214	485,462
5	Customs	946,561	130,487
6	Opium	4,562,586	1,203,902
7	Tobacco at Madras	115,000	26,552
8	Stamps, Judicial Fees, and Fines .	593,982	23,813
9	Post-Office (Gross Receipts) . .	210,527	. .
10	Mint	73,901	. .
11	Marine Pilotage and Dock Dues .	94,456	. .
12	Miscellaneous	198,564	. .
13	Burmese Territory	196,770	. .
14	Eastern Settlement, Singapore, &c.	70,354	. .
15	Scinde	298,375	. .
16	Receipts from Native States . .	566,694	. .
17	Extraordinary	369,400	. .
	Deduct Pensioned Native Princes, &c.	. .	. .
	Total	27,757,853	3,602,712

for 1849-50 in Pounds Sterling, at 2*s.* per Rupee.

REVENUES.

Percentage Charge.	Assignments under Treaties, &c.	Net Revenue.	Percentage of each Item of Net Receipt.	
	£.	£.		
	Bombay, 982,684			1
10½	. .	13,551,752	58½	2
	. .			3
15	. . . .	2,703,752	11⅝	4
13½	. .	816,074	3½	5
26½	. . .	3,358,684	14½	6
23	. .	88,448	½	7
4	. . .	570,169	2½	8
. .		210,527		9
. .		73,901		10
. .		94,456		11
. .		198,564		12
. .	Charged on Net Revenue.	196,770	7	13
. .		70,354		14
. .		298,375		15
. .		566,694		16
. .	. .	369,400	1⅗	17
. .	1,486,284	minus 1,486,284	. .	
. .	2,468,969	21,686,172	. .	

III —Revenues and Charges, &c.—*continued.*

CHARGES ON NET REVENUE.

		Percentage on Net Revenue.
	£.	
Military, including Military charges defrayed at home	12,110,307	56
Marine charges	406,995	2
Civil and Political Establishments, including Ecclesiastical and other charges, and repairs of public works, buildings, &c.	1,806,627	8¼
Judicial and Police charges	1,943,550	9
Public Works, exclusive of repairs	482,862	2¼
Mint	52,380	
Post-Office—gross charges	212,781	
Territory ceded by the Burmese—Prince of Wales Island, Singapore, and Malacca	190,734	5
Scinde, exclusive of regular troops	439,242	
Extraordinary	227,100	
Home Establishments, including civil Pensions, cost of Mails, &c.	709,172	3¼
Dividend on East India Stock	629,435	3
Interest on Debt	2,410,535	11
Total	2,621,326	99¾
Surplus	64,846	¼

IV.—ABSTRACT of Revenue and Charges of Bengal, Madras, Bombay, Leadenhall Street, and Interest of Debt for 1849–50, in Pounds Sterling, at 2*s.* per Rupee.

	Gross Revenue.	Deductions.	Net Revenue.	Charges on Net Revenue, ordinary and extraordinary.	Surplus.	Deficit.	
	£.	£.	£.	£.	£.	£.	
Bengal, including Benares, Opium, and Eastern Settlements	10,907,802	2,183,076	8,724,726	Military, 6,412,964; Other charges, 2,095,740	..	..	Military charge includes Punjab corps.
Agra, including Saugor and Nerbudda Territory	5,452,700	917,300	4,535,400	1,076,500	5,181,621	..	
Punjab, including Cis and Trans Sutlej Territories, and extraordinary receipts and disbursements	2,241,900	231,400	2,010,500	503,800	..	..	Revenue includes £110,000 indemnity, stated in Bengal accounts.
Madras	5,005,900	1,226,670	3,779,229	3,294,323	484,905		
Bombay, excluding Scinde.	3,851,176	1,513,234	2,337,922	2,635,012	..	297,070	
Scinde	298,375	..	298,375	439,242	..	140,867	
Leadenhall Street (exclusive of Interest of Debt and dividend)	..	..	..	2,124,172	..	2,124,172	
Interest of Debt, Indian and English, and dividend	..	..	..	3,039,970	..	3,039,970	
Total	27,757,853	6,071,681	21,686,172	21,621,326	64,846	..	..

V.—STATEMENT showing detail of Charges of each Presidency for 1849-50.

BENGAL, WITH NORTH-WEST PROVINCES AND PUNJAB.

Net Revenue.	Military Charges, including Punjab Corps.	Percentage.
£15,270,626	£6,412,964	42

BENGAL.

Net Revenue.	Charges other than Military.		Percentage.
£.		£.	
8,724,726	Marine and Pilotage	184,680	2
	Civil and Political, including general Government of India	901,002	10¼
	Judicial and Police	648,233	7½
	Public works, exclusive of repairs	92,200	1
	Mint	25,210	3¼
	Post-Office	53,680	
	Burmese Territories, Singapore, &c.	190,734	
	Total	2,095,740	24

NORTH-WEST PROVINCES.

4,535,400	Civil and Political	175,500	4
	Judicial and Police	478,500	10½
	Public works, exclusive of repairs	348,500	7¾
	Post-Office	74,000	1¾
	Total	1,076,500	24

PUNJAB.

2,010,500	Civil and Political	37,900	1¾
	Judicial and Police	233,800	11¾
	Public works	2,500	11½
	Post Office	2,500	
	Extraordinary	227,100	
	Total	503,800	25
Surplus on all the above		5,038,800	33 per cent.

MADRAS.

Net Revenue.	Total Charges.		Percentage.
£. 3,779,229		£.	
	Military	2,524,695	$66\frac{2}{3}$
	Marine	12,259	$0\frac{1}{3}$
	Civil and Political	351,603	$9\frac{1}{3}$
	Judicial and Police	337,432	9
	Public works, exclusive of repairs	14,919	$20\frac{2}{3}$
	Mint	10,023	2
	Post-Office	43,390	
	Total	3,294,323	$87\frac{1}{3}$
	Surplus	480,905	$12\frac{2}{3}$

BOMBAY.

£. 2,337,942		£.	
	Military	1,757,684	75
	Marine	210,056	9
	Civil and Political	340,622	$14\frac{1}{2}$
	Judicial and Police	245,585	$10\frac{1}{2}$
	Public works, exclusive of repairs	24,743	1
	Mint	17,147	$2\frac{1}{2}$
	Post Office	39,211	$37\frac{1}{2}$
	Total	2,635,012	$112\frac{2}{3}$
	Deficit	297,070	$11\frac{1}{3}$

VI.—STATEMENT showing comparative Percentage of different Items of Charge in each Presidency on Net Revenue for 1849-50.

	Bengal.	Agra.	Punjab.	Madras.	Bombay.	General.
Military	42	42	42	$66\frac{2}{3}$	75	56
Marine	2	..	..	$0\frac{1}{3}$	9	2
Civil and Political	$10\frac{1}{2}$*	4	$1\frac{3}{4}$	$9\frac{1}{3}$	$14\frac{1}{2}$	$8\frac{1}{4}$
Judicial and Police	$7\frac{1}{2}$	$10\frac{1}{2}$	$11\frac{3}{4}$	9	$10\frac{1}{2}$	9
Public works, exclusive of repairs	1	$7\frac{3}{4}$†	$0\frac{1}{4}$	$0\frac{1}{2}$	1	$2\frac{1}{4}$

* Includes Supreme Government. † Besides local funds.

VII.—ORDINARY REVENUE and Charges of Punjab, with Cis-Sutlej and Trans-Indus Territories, excluding extraordinary items.

REVENUE.		CHARGES.	
Revenue Cis-Sutlej territory, and Julinder hitherto included in Agra accounts, about	£550,000	Cis-Sutlej and Julinder, charged in Agra account, about	£110,000
Country beyond the Beas:		Country beyond the Beas:	
Land Revenue, 1850-51	1,035,213	Political pensions, &c. &c.	36,268
Expected Salt Revenue	120,000	Total civil expenses	186,795
Revenue from other sources	144,243	New local corps	156,950
Total	£1,849,453	Total	£490,013
Surplus towards defraying Military and General Expenses of the Empire	£1,359,440.		

Progressive increase of revenue.

The statement No. I. shows the progressive increase of the revenue during the last fifteen years. The principal variations of receipt arise from the varying proceeds of the opium sales, and in a less degree from the unequal annual settlements of the land revenue of Madras and Bombay. The famine in Northern India of 1837–8 caused large remissions. In subsequent years we trace the effect of the Chinese war, after which we have both a rapid rise of internal resources and the new acquisitions of 1846 and 1849. So that altogether, in the last ten years, the net revenue has increased by considerably more than five millions sterling, of which about 2,300,000*l.* is the proceed of our new acquisitions in the plain of the Indus, and about 3,000,000*l.* an improvement in the revenues of our older possessions.

In the charges, on the other hand, we trace but too clearly the Affghan war, the annexation of Scinde, and the expenses of the late Sikh campaigns; but we also find that the cost of ordinary establishments and outlays has increased since 1837 more than in proportion to new acquisitions and improved revenues, viz. by about six millions sterling.

The statements II. and III. exhibit the revenues and charges of India for 1849–50, classed under the principal items of receipt and charge.

It will be seen that nearly three-fifths of the whole net revenue is derived from the land and excise, about one-seventh from opium, and upwards of one-ninth from salt. From these sources then we have about 85 per cent. of the whole receipt. Customs and stamps yield about 6 per cent. more; and the remaining 9 per cent. is made up of various headings, ordinary and extraordinary, which for the most part cost as much as or more than they yield. The whole effective revenue may, therefore, be said to consist of the six first-mentioned items—land, excise, opium, salt, customs, and stamps—which are productive in very different degrees. Different items of receipt.

Of the charges, the military expenses alone consume about 56 per cent. of the whole revenue, and the marine about 2 per cent. The whole civil, political, and judicial charges, ordinary and extraordinary, including public works and the gross charge of the post-office, mint, &c., and of Scinde and other outlying settlements, amount to about 24½ per cent., or considerably less than one-half of the military charge. Different items of charge.

The home establishments and charges amount to something above 3 per cent., and about 14 per cent. goes for the interest of money expended in acquiring the country, being dividend on stock, and interest of money borrowed. So that, if we deduct the payment of interest, the military charge is about two-thirds of our whole expenditure, and the item of infinitely greatest importance. And when much stress is laid on the magnitude of the Indian civil establishments, it should be remembered that the whole civil administration of the country is carried on at a cost of one-fourth of the revenues.

The "civil and political" charges include not only the establishments properly so classed, but the "ecclesiastical" and every other charge which does not fall under some separate heading.

The judicial and police charges are heavy, being about

9 per cent. of the revenue, but this is not a greater proportion than the importance of the duties fully warrants. By far the larger part of these charges is incurred for subordinate establishments, and the whole sum drawn by the superior functionaries is comparatively small.

The sum expended on public works is independent of local funds, and is considerable, but not large in proportion to the whole revenue, simply because there has been no money to spare.

Comparative receipts and disbursements of different Presidencies.

The statement No. IV. shows the receipts and disbursements of the different Presidencies, in order to explain whence are derived the funds to meet the remittances to Leadenhall-street and the interest of the debt.

The opium may be considered an imperial source of revenue, belonging to no particular presidency; but as the whole of the produce, both of the North-West Provinces and of Bahar, is sold at Calcutta, it is credited to Bengal Proper, and recent arrangements have caused the enhanced duty on Malwa opium to be credited to Bombay; the net revenue of Bengal is thus raised by opium from about six and a quarter millions to eight and three-quarters, and that of Bombay from a million and a half to two millions and a third.

The whole Bengal army is in the Parliamentary accounts debited against Bengal Proper, but, as that army is common to Bengal, the North-West Provinces, and the Punjab, this mode of charging gives a false view of the case, and I have entered the military expenses as common to all three divisions of the Presidency, have then noted separately expenses other than military, and stated a common surplus. The Bengal civil expenses include those of the Supreme Government.

The three divisions of the Bengal Presidency show a surplus considerably exceeding five millions, which is just about equal to the whole of the home remittances and the

interest of the debt. Those charges are therefore defrayed entirely from Bengal. Again, Madras on the one side, and Bombay with Scinde on the other, nearly balance one another, and contribute nothing to the imperial expenses or the debt. Madras has a surplus of nearly half a million, Bombay with Scinde a corresponding deficit. If we separate the opium revenue as an imperial resource, it will pay the whole interest of the debt and about one-third of the home remittances; and there will be from ordinary sources a surplus of about 2,700,000*l.* from the three divisions of Bengal, and of nearly half a million from Madras, but a deficit of a good deal above a million in Bombay, besides that in Scinde. In this view Madras contributes not so far short of a fair share; but Bombay is in every way the chief source of loss. It seems under every head to collect less and spend more than any government.

Statements V. and VI. show the detail and proportion of charges in each Presidency. It will be seen that in Bengal the military charges are 42 per cent. of the whole revenue, in Madras about 67, and in Bombay 75 per cent.

The revenue of Bengal Proper, swelled by the opium, makes some charges appear less in proportion than in the other divisions of the Presidency; but if we except the opium from the revenue, they will be as large. In the North-West Provinces alone is a large proportion of revenue expended on public works. Considering the position of Madras, exposed to no foreign enemies, and protected from the Nizam's troops by his own regular contingent under our officers, the Madras army seems expensive out of all proportion. The Madras judicial expenses are unusually moderate, probably because the revenue establishments there perform police duties. Everything appertaining to Bombay is on an extravagant scale.

The comparative statement shows in a remarkable degree the difference in "civil and political" expenses

between the North-West Provinces and the Punjab on the one hand, and Bombay and Madras on the other.

Ordinary revenues and charges of acquisitions from the Sikhs.

As the account of Punjab revenues and charges for 1849-50 contains several extraordinary items, I have given a statement (VII.) of the ordinary revenue and expenditure of our late acquisitions from the Sikhs, the fruit of the two wars of 1845-6 and 1848-9. I have included in the charges the local corps raised for service in the Punjab, but not the portion of the regular army cantoned in its limits; because the Punjab is not (as Scinde was when conquered) a detached country. The army heretofore employed in guarding our frontiers has only been moved forward—and, in fact, instead of being increased in numbers or expense, has rather been diminished since the conclusion of the war. It will be seen from this statement that we gain from our new possessions a surplus of 1,359,440*l.* applicable to general purposes, which, with the extinction of the war and opportunity afforded for reducing our military charges, alone enables us to bring our finances into a healthy condition.

The land revenue of the Sikh territory is large, and, as the country is tolerably prosperous and well cultivated, it cannot be expected spontaneously to increase *very* largely and rapidly; but if we succeed in making great canals, there is no limit to the increase. If the land on which little rain now falls be made culturable, the population will very quickly multiply and fill it. The villages in the culturable tracts are even now thickly populated; the people are most industrious, and the demand for land is great. As we have at once remitted all the Sikh transit duties, fines, and other native imposts, and our own indirect taxes have not yet had time to grow up, the extra sources of income are, it will be seen, small. But they may be expected rapidly to increase, and the country will certainly pay excellently well.

I have undertaken to compare our financial position at two different periods, in order to show how the surplus and great prosperity of Lord William Bentinck's time has now disappeared, and for this purpose I have taken the first and last years of my series of fifteen years, 1835-6 and 1849-50. One of these years is before the commencement of the twelve years of war and deficit, and the other after the conclusion of that period. In each of these years we had peace, and the prospect of peace. In the first our dominion was confined to India within the desert. We had an undefended frontier on the Sutlej, but a strong and friendly power in the Punjab. In the latter year we have advanced and absorbed the other and smaller portion of India—that beyond the desert. We have a very easily defensible frontier, and, for our next neighbours, the Affghans, weak in every way, and who have shown no disposition to be hostile. Moreover, our ordinary revenue has between the two years largely increased. Ought not then our financial position to be much improved? I think that it ought, and that it in fact may be very much better than it ever has been.

Comparison of financial position 1835-6 and 1849-50.

As we must include Scinde, the revenue of our new acquisitions is not large compared to the area. But it is sufficient to pay its own expenses and to contribute a large sum towards the cost of the army. It is perfectly clear that our older territory must require fewer troops than it did in 1835-6, now that the frontier is advanced many hundred miles, that the Gwalior army is transformed into a British force, and that the country has in every way become more settled, and the remembrance of former wars more distant. Suppose then that but 40,000 men are thus gained, and that the surplus revenue of India beyond the desert (about 1,200,000*l.*) will support 40,000 more. Here, then (supposing military charges to be on the same scale of economy as before), is an army of 80,000 men for the Punjab

and Scinde without touching our three millions of increased ordinary revenue, and we should in this case have a very large surplus. Even if we also admit (which should not at all follow) an increase of the army proportioned to the increased receipts from opium, salt, &c., as there was a large surplus in 1835-6, there would still be a proportionate surplus now. The absence of this surplus is mainly explained by the broad fact, that, while the revenues have increased by about one-third, the military charges have increased by about one-half.

The following statements will show that the revenue is now more cheaply collected, and that (notwithstanding immensely increased establishments and much greater efficiency) the whole of the civil administration is more cheaply conducted—that the civil charges bear a less proportion to the revenue than in the prosperous and economical times of Lord W. Bentinck. In fact, the expense of all the extensions and improvements of the subordinate agency has been more than made up by deductions from the emoluments of the superior officers. It behoves then the public organs (which ought to be well informed), when they thunder in a general undefined way about abuses, and overpaid officials, and immense establishments, as referring to the civil department, to look a little to facts, and to try to put the saddle on the right horse.

In 1835-6—

The Gross Revenue of India was	£20,680,246
The Net Revenue . .	16,391,000
The Charges . . .	14,924,152
The Surplus . . .	1,466,848

—showing about 9 per cent. of surplus.

In 1849-50—

The Gross Revenue had increased to .	£27,757,853
The Net Revenue to	21,686,172
But the Charges had increased to . .	21,621,326

—leaving but a very small surplus of about ¼ per cent.

There has been an increase of

Gross Revenue, of . .	£7,077,607
Of Net Revenue, of . .	5,295,172
Of Charge, of . . .	6,762,174
Deterioration . .	£1,467,002

"Of the gross increase of revenue the greater part of one million sterling is nominal, on account of assignments, &c., brought to account, and then written off; so that we must look to the net revenue for the real increase.

The following statements exhibit—

A.—A comparison of principal items of receipt for 1835-6 and 1849-50.

B.—A comparison of principal items of charge.

C.—Comparison of receipts and charges of each Presidency.

A.—COMPARATIVE STATEMENT of different Items of Revenue for 1835-6 and 1849-50.

	1835-6		1849-50		Increase on Net Revenue.	Decrease on Net Revenue.
	Gross.	Net.	Gross.	Net.		
	£	£	£	£	£	£
Land Revenue .	12,228,000	11,645,010	15,178,676	13,551,752	1,906,752	
Sayer (Excise).	738,000		1,000,148			
Moturpha . .	101,000		88,106			
Customs . .	1,872,000	1,696,000	946,561	816,074	. .	879,926
Opium . . .	1,990,000	1,589,754	4,562,586	3,358,684	1,768,930	
Salt	2,161,000	1,594,000	3,189,214	2,703,752	1,109,752	
Stamps, Judicial Fees, and Fines	387,550	332,500	593,982	570,169	237,669	
Tobacco . .	73,500	51,000	115,000	88,448	37,448	
Other sources .	1,129,246	1,129,246	2,079,241	2,079,241	949,995	
Deduct political pensions, &c.	. .	1,568,000	. .	1,486,284	81,716	
	20,680,246	16,391,000	27,757,833	21,686,172	5,295,172	

B.—COMPARATIVE STATEMENT of different Items of Charge for 1835-6 and 1849-50.

CHARGES ON GROSS REVENUE.

	1835-6	1849-50	Percentage on Gross Revenue, 1835-6	Percentage on Gross Revenue, 1849-50
	£	£		
Assignments	1,568,000	2,468,969	$7\frac{3}{4}$	9
Land and Sayer	1,422,000	1,732,494	$11\frac{3}{4}$	$10\frac{1}{2}$
Customs	176,000	130,487	$9\frac{1}{2}$	$13\frac{1}{4}$
Opium	500,246	1,208,902	26	$26\frac{1}{2}$
Salt	567,000	485,462	25	15
Stamps	35,000	23,813	9	4
Tobacco	21,000	26,552	30	23

CHARGES ON NET REVENUE.

	1835-6	1849-50	Percentage on Net Revenue, 1835-6	Percentage on Net Revenue, 1849-50
	£	£		
Military	8,050,000	12,110,307	49	56
Marine	284,649	406,995	$1\frac{1}{2}$	2
Civil and Political	1,440,000	1,806,627	$8\frac{3}{4}$	$8\frac{1}{2}$
Judicial and Police	1,631,000	1,943,550	10	9
Public Works, exclusive of repairs	46,200	482,862	$\frac{1}{4}$	$2\frac{1}{4}$
Other Charges	446,205	682,995	$2\frac{3}{4}$	3
Scinde	..	439,242	..	2
Home Establishments	550,000	709,172	$3\frac{1}{2}$	$3\frac{1}{2}$
Dividend	626,098	629,485	4 } $15\frac{1}{2}$	3 } 14
Interest	1,850,000	2,410,535	$11\frac{1}{2}$ }	11 }
Total	14,924,152	21,621,326	91	$99\frac{3}{4}$
Surplus	1,466,848	64,846	9	$\frac{1}{4}$

NOTE showing Increase of Charge in Percentages between 1835-6 and 1849-50:—

Increase.	
Military	7 per cent.
Marine	$\frac{1}{2}$,,
Public Works	2 ,,
Scinde	2 ,,
Other charges	$\frac{1}{4}$,,
	$11\frac{3}{4}$,,
Deduct decrease	3 ,,
Net increase	$8\frac{3}{4}$,,

Decrease.	
Civil and Political	$\frac{1}{2}$ per cent.
Judicial and Police	1 ,,
Dividend on Stock	1 ,,
Interest on Debt	$\frac{1}{2}$,,
	3

—whereby the surplus of 9 per cent. has been diminished to $\frac{1}{4}$ per cent.

C.—COMPARATIVE STATEMENT of Revenues and Charges of each Presidency for 1835-6 and 1849-50.

—	1835-6			1849-50			Percentage Charge, 1835-6	Percentage Charge, 1849-50	—
	Gross Revenue.	Net Revenue.	Charge.	Gross Revenue.	Net Revenue.	Charge.			
	£	£	£	£	£	£			
Bengal . . .	8,100,000	6,584,300	5,173,000	10,907,802	8,724,726	8,333,504	79	95½	Including whole of Bengal army.
Agra . . .	5,100,000	4,060,000	674,000	5,452,700	4,535,400	1,076,500	16½	19¾	
Madras . . .	4,898,213	3,823,400	2,948,400	5,005,900	3,779,229	3,294,323	77	87	
Bombay . .	252,033	1,923,300	2,046,300	3,851,176	2,337,942	2,635,012	106½	118	
New territory, Punjab and Scinde . .	. .	. .	. .	2,540,275	2,308,875	1,118,242	. .	48	Besides Bengal and Bombay troops.
	20,680,024	16,391,000	10,801,700	27,757,853	21,686,172	16,457,581	66	76	

F 2

Comparative receipts 1835-6 and 1849-50.

It will be seen from statement A that, in the period under review, there is a great improvement in every item of receipt except the customs. The customs have much diminished, in consequence of the abolition of internal transit duties and the recent policy of drawing from the one article of salt the revenue heretofore vexatiously collected from hundreds of different articles at hundreds of different places. The loss amounts to about 880,000*l.* per annum; but then the increase of 1,109,000*l.* in the salt revenue a good deal more than compensates for the loss.

The increase of land revenue (nearly 2,000,000*l.*) is principally due to new territory, but it has been seen that the land revenues of Bengal Proper, the North-West Provinces, and Madras have also considerably increased of late years.

The opium revenue has a good deal more than doubled, and shows a clear net increase of upwards of one million and three-quarters. The smaller items of receipt have also considerably increased.

Statement B shows, first, charges on gross revenue; second, charges on net revenue.

Comparative charges.

The large increase in the charge on account of assignments is the writing off of the nominal increase of gross revenue in Bombay and Madras before alluded to. The sum of political pensions, &c., is rather less than before. It will be seen that the cost of the establishments connected with the land revenue is reduced from 11¾ to 10½ per cent. There is a very great reduction in the cost of salt. In the year 1835–6 the opium charge is unusually low, and in 1849–50 it is stated in the estimate a good deal higher than it has actually turned out to be; so that the cost of opium has really diminished, though it does not so appear in this statement.

The comparative cost of collecting the customs has in-

creased, owing to diminished receipts, and probably also to the mode of making up the accounts.

Of the charges on net revenue the military charge has increased comparatively from 49 to 56 per cent. on the revenue, and positively by a little more than 50 per cent. on the former charge. The marine charge has somewhat increased.

Of the civil and political establishments there is some increase in the departments under the Supreme Government, but the proportion of the total charge has decreased from 8¾ to 8¼ per cent.

Increased territories of course require increased judicial and police establishments, and throughout the country the improvement in and addition to the strength of this establishment is very great; yet the charge is reduced from 10 to 9 per cent. The sum devoted to public works, formerly almost nominal, is much increased. The home charges remain in nearly the same proportion, but the increase of debt is less than increase of revenue; so that, the dividend remaining stationary, and the proportion of interest of debt being somewhat reduced, the sum of these charges has come down from 15½ to 14 per cent.

It may then be generally stated, that the cost of the civil departments—the "Revenue," "Civil and Political," and "Judicial and Police" establishments—has decreased in proportion to the revenue by about one-tenth, while the charges for "Military," "Marine," "Public Works," and "Scinde" have increased.

Appended to statement B is a note showing the percentages of increase and decrease of charges on net revenue, and how the 9 per cent. surplus of 1835–6 has been reduced to ¼ per cent. in 1849–50.

Statement C shows how far each Presidency has improved or deteriorated since 1835–6. The Bengal revenue has increased immensely, principally from opium and salt; and that of the North-

Each Presidency in 1835-6 and 1849-50.

West Provinces has increased by about half a million, the salt revenue making up for the abolished transit duties, and the ordinary revenues having improved. But the Bengal army has increased so much as to make the Bengal charge bear a much larger proportion than formerly. The net revenues of Madras have suffered a very slight decrease. The abolition of internal customs caused a loss, which is scarcely made up by improvement in other sources of revenue. On the other hand, there has been an increase in military charges of about 280,000*l.*, and in other charges of about 60,000*l.* So that altogether the result shows a deterioration at Madras of about 400,000*l.* It seems strange that the Madras army, already so large, should have been farther increased. It is true that, the Bengal and Bombay armies having been pushed forward, it has occupied some stations which hitherto did not fall to it; but one would think that, with nothing to do at home, and so large a force, it might have done this without an increase.

The Bombay gross revenue is made to show a great increase, but, the nominal additions being written off, the difference in the net revenue is much less considerable. There is a net increase, something above 400,000*l.* But then the late opium arrangements have added 615,000*l.* to the net revenue of Bombay, without reference to internal management, and without expense; and the ordinary sources of receipt have in reality diminished by about 200,000*l.* The salt duty (though smaller than anywhere else) has made up for the transit duties; but the land and other revenues have deteriorated. On the other hand, the Bombay charges have increased (exclusive of Scinde) by nearly 600,000*l.*, of which about 520,000*l.* is in the military department, and the remainder in other departments. The military increase is principally attributed to the supply of Bombay troops to Scinde; but still the opium would pay for that, and Bombay does not, from its ordinary revenues, defray its own mere local expenses.

Such a drag on the finances of India really should not be permitted.

The Punjab and Scinde, our new acquisitions, being united, show a surplus (exclusive of regular troops) of 1,190,633*l.*: the Punjab surplus being considerably diminished by the deficit in Scinde.

Altogether, the whole expenses in India, exclusive of the debt, which were formerly 66 per cent., are now 76 per cent. of the revenue.

In regard to the state of our finances we may draw the general conclusion, that, being now about equal in income and expenditure, we should have a considerable surplus were it not for Bombay and Scinde; that the land, excise, salt, customs, and stamps are sources of revenue very much to be depended upon, and likely to increase; that the opium is a very flourishing but somewhat uncertain revenue; that the Punjab is a great ease to our finances; and that, having now peace and prosperity, we may very well return to a finance as prosperous as that of Lord W. Bentinck, and shortly surpass it. General conclusion.

CHAPTER XI.

POLICE AND CRIMINAL ADMINISTRATION.

Police establishment — Duties — Village police — Mode of police proceedings — The magistrate and his duties — Progress of a case till trial — Character of the police — Madras and Bombay police — Special Thuggee and Dacoitee police — The criminal law — Classification of offences — Mode of trial and procedure in felonious cases — And in petty cases — Punishments — Evidence — Results of criminal system — Statistical tables — Comparison of crimes — And of judicial statistics — Crime and police in the Punjab — Reasons of general want of success — The code proposed by the Law Commission.

General character and effect of our criminal system.

THE unreformed English modes of procedure have not been so nearly imitated in the criminal department as in the civil courts, because the evils of mismanagement in the former are more speedily apparent in the disorganization of the country. The criminal laws are undoubtedly the best part of the Indian judicial system. But they are far from perfect, and it appears that they give the criminals facilities of escape of which the latter have learned to take advantage, and for which some remedy is necessary.

Police.

Since it is first necessary to catch a thief, I commence with the police. In Chapter III. I have briefly noticed the state of the country as we found it in regard to crime, criminals, and police.

Recapitulation of previous circumstances.

I have observed the facilities to crime afforded by the open nature of the country —the character of the dwellings—the habits of the natives—the want of public spirit in the people—the common practice of accumulating property at home, in the shape of money or ornaments, instead of investing

it or placing it in security—the character of the criminals, rather professional than accidental, and the absence of any general organized police; and the facilities for suppression in the unscrupulous nature of the means employed by native officials for detection—the summary and severe character of their punishments—and the responsibility enforced on village communities. I have mentioned the most prevalent crimes—gang and highway robberies, burglaries, cattle-stealing, and affrays. We see then the nature of the subject with which the British Government had to deal.

General character of the system introduced by us;

We have introduced an organized, although not very successful police; but, on the other hand, our scrupulous judicature gives much greater facilities of escape to the prisoner, and much diminishes the responsibility of corporate villages. Also it may be that the great personal freedom enjoyed under our Government—the total absence of local transit duties—of any system of search, passports, or surveillance of any kind—the entire freedom of travelling about at will—that all this may give facilities to the criminal—a disadvantage by no means to be compared to the great advantage of such freedom, but still something in a merely police point of view.

and general results.

The result of our system has generally been a great decrease of crime on its first introduction, when the old facilities of disorder ceased, and the criminals had not yet learned the niceties and loopholes of our law—but a subsequent increase, as they became experienced in the latter means of escape, and able to meet us with our own weapons. Partly from this circumstance, and partly from other causes, it has singularly enough happened that the amount of violent crime seems now to be greatest in our oldest possessions. It is comparatively small in the Punjab (cis the Indus) compared to the districts of Bengal immediately around our

capital of Calcutta, where violent gang-robberies are of very frequent occurrence.

I have already described generally the agency to which the criminal administration is intrusted; and I have mentioned some of the reasons why so efficient a native police service has not grown up as that which we have obtained in other departments. Our police system being so different from that of the natives, in order to form a thief-catching profession on our principles, it was necessary both to unmake and to make. But the pay and discipline of the inferior grades has been so small, and the changes in the *personnel*, both of the magistrates and of the superior officers of police, have been so constant, that in fact no well-organized profession has been formed.

Bengal system.

We have seen the division of the country into districts and the general duties of a magistrate. But I must more particularly explain the working of the subordinate police. The following principally applies to the Bengal Presidency in all its divisions; for the police system is pretty uniform from Calcutta to Peshawar, although it is worked with various degrees of success.

Size, population, and division of districts.

A district then, under the general superintendence of a magistrate, being on an average, say, in area about 3000 square miles, and in population about 800,000, and containing fifteen or twenty subdivisions, under inspectors of police—each subdivision may be about 150 square miles, and contain a population of about 50,000, probably a considerable town the head-quarters of the police, and about 150 villages large and small. But of course all these particulars vary very much according to circumstances. Each subdivision is called a Thanah, and the inspector (called Thanahdar or Darogah) has charge of the country for six or eight miles around his station.

A subdivision or Thanah.

The inspector is almost always, but not of absolute

necessity, a literate man, but should at the same time possess the physical qualities of personal courage and activity, and make the police his profession. It is this combination of qualities which it is difficult to obtain in India, where the principle of division of labour so much obtains. We are apt to get either mere scribes, or men of energy so deficient in education that it is difficult to transact business with them or to check their proceedings. Mahommedans, as most frequently combining the qualities required, hold (at least in the north) the majority of the inspectorships; and of Hindoos, both Bramins and Kaits (the writer caste) often very efficiently fill these posts; but there are not many Hindoo inspectors of any other caste.

The inspector or Darogah.

An inspector receives from 30*l.* to 120*l.* per annum, which, considering the value of money, is, I should think, as much in proportion as the salaries of the same class in this country. The magistrate has generally the opportunity of giving promotion to deserving men; but in Bengal proper, of late years, inspectors have been divided into classified grades, and promotions to the superior grades are made by the Government itself.

Each inspector has under him the following establishment:—A writer, who does all the paper-work of secondary importance; a jemadar or serjeant, and on an average say about 20 or 25 policemen, besides outlying parties, under petty officers, where there happen to be considerable towns or important roads at a distance from the main station. Single policemen are not generally stationed about the country. The local police is intrusted to the village watchmen.

Establishment under the inspector.

The landed proprietors have always been held responsible to do their utmost for the prevention of crime and apprehension of criminals, and are required to inform the inspectors of all crimes and

Village police.

suspicious or unusual occurrences. But as there may be a hundred proprietors of one village, or one proprietor of a hundred villages, the duties cannot generally be properly performed in person, and they are in part delegated to the village watchman. This officer is not hereditary, but is appointed by the proprietors, subject to the veto of the magistrate, and for his maintenance provision is made at the time of assessing the village. The proprietors are or ought to be responsible for the conduct of their nominee, the watchman; and if they misbehave or show themselves unworthy of confidence, the magistrate should himself appoint the watchman, collect his dues, and pay him. The watchman is supposed to keep watch at night, to have an eye on the motions of all thieves and bad characters, and to apprehend felons when he can catch them *flagrante delicto*. He is required to report at the police station everything that occurs; and whether anything occurs or no, to make in person periodical reports, from once a day to once a week, according to distance from the station.

Duties of the landowners.

The proprietors, or in republican villages their representative heads, are required to assist the watchman in matters beyond his authority—to prevent breaches of the peace—to take measures for detaining criminals, or to secure stolen property, pending the arrival of the police, in cases which do not admit of delay. But they have no jurisdiction in petty matters, such as do not fall within the province of the police, nor act in any way except in co-operation with the latter force.

Causes of inefficiency of village police.

It is evident that, if the village watchmen be at all efficient and the proprietors do their duty, we have in them the real materials and groundwork of a good working police, and might hope to obtain a very high degree of efficiency. The watchmen are immensely numerous, resident in and inti-

mately acquainted with the affairs of every hamlet; and such a body, acting together and supervised by a regular police force of competent efficiency, would be irresistible. But unfortunately the village police has never been disciplined into efficiency at all commensurate to the magnitude and cost of the establishment. The difficulty is this: we have permitted the responsibility of the proprietors to be very much weakened, since we seldom make them answerable unless some direct collusion is brought home in a particular case by legal evidence. They contrive to shift most of their responsibility to the shoulders of the watchman. If the nomination of the watchman is left to them, they are too apt to appoint a miserable dependant of their own, to employ him as their inferior servant, and to deprive him of his just dues. He thus becomes disreputable and inefficient, and the magistrate has little hold over him and obtains little assistance from him. On the other hand, if (as has lately been attempted in many districts of the North-West Provinces) the magistrate assumes direct charge of the watchmen, puts in efficient men, collects their dues, and pays them from the Treasury, in this case each watchman becomes a powerful policeman in each village, and the inhabitants are subjected to too much police interference; they are deprived of the personal independence and village self-government which they prize so highly. So many policemen could not be sufficiently supervised by the present establishment, and efficiency could only be promoted at too high a price. If we were in England under an absolute government, an absolute policeman stationed in every hamlet would be felt an intolerable grievance; and it is by exercising as little *domiciliary* interference as possible that our rule is most agreeable to the people. It is therefore perhaps better that the watchmen should remain dependent on and part of the village community. But the proper mode of ob-

taining efficiency would be to enforce the original responsibility of the proprietors to the utmost. Let them understand, that if they maintain an efficient watchman who does his duty he shall remain their dependant; but that, if not, they will invariably be themselves held responsible, and in extreme cases a policeman will be stationed over them at their expense, instead of their own watchmen. Certain it is that, from apathy, carelessness, or want of discipline, the present watchmen do their duty very ill at a great cost; and some reform is first necessary of this substructure of the police.

The watchmen of Bengal Proper,

In the Bengal division of the Presidency it seems that there is the enormous number of 167,000 village watchmen, but that no uniform system or discipline whatever is attempted. The "vested rights" of the Zemeendars being secured by the permanent settlement, the office of watchman is merely one of private patronage, the emoluments of which are little known and not at all secured. The magistrate has little or no control over the watchmen; and, on the other hand, the responsibility of the Zemeendars has become quite nominal. So that, altogether, the magistrate has almost no assistance from the village police, and this is in Bengal one of the chief causes of failure. The draft of a proposed act has lately been published for giving increased power over the watchmen to the Bengal magistrates.

and of the North-West Provinces and Punjab.

In the North-West Provinces and Punjab the system is not nearly so bad. The watchmen are accurately registered, and their remuneration secured; the magistrate enforces their appointment, and exercises the right of veto and some considerable control over them. In some districts the attempt has, as I have said, been made to render them more completely a part of the regular police. Altogether much greater efficiency has been obtained, but still not nearly so

much as we should look for from so large and expensive an establishment. In the North-West Provinces the present law does not admit of the enforcement of a full measure of responsibility on the proprietors; but in the Punjab the wholesome ancient system is more exactly adhered to, and, as a condition of self-government, there is exacted from the communities a proper performance of their police duties.

Responsibility of villages for plundered property.

I have mentioned the ancient rule by which villages were responsible for the value of property plundered within, or traced to, their limits. This was also the old English custom (the hundred was held responsible), and is in some cases very useful and necessary, not because the inhabitants of the village are *necessarily* the perpetrators of the crime, but because they can best prevent such occurrences or find out the culprits. What is every man's duty is no man's duty, and as long as each is not himself directly affected no one cares to assist the police; but when the whole village is taxed, every man becomes fully sensible of the public evil, and they have no tolerance for robbers. He must be a bold man who would, in fact, rob a whole strong community on their own ground. If held responsible, they are pretty sure to obtain some clue and make the robber reimburse them, or else they give him up. Still the system of giving compensation in money to injured parties is apt to be abused, and is a strong measure only to be applied with caution and care to remedy very crying evils. But in the case of serious highway robberies or cattle raids (when the cattle are traced by their foot-prints to the grazing grounds of particular villages) it is very necessary and advantageous. This system still obtains, with certain restrictions and modifications, in the Punjab and in the Dehli territory, but has fallen into disuse in most of our provinces.

The village police disposed of, we come to the powers and duties of the regular district police.

Powers and duties of the district police.

The district police are authorized to take cognizance, without previous reference to the magistrate, of all such crimes as we call felonies—thefts, robberies, murders, serious wounding, &c. They are charged with the prevention of serious breaches of the peace, violent affrays, riots, &c., with the regulation of fairs and other great assemblies within their limits, with the superintendence of the village watchmen, and with the local police of large towns; but they are in no way empowered to interfere, without special orders, in petty cases, small assaults, trespasses, and the like. All such cases must be referred to the magistrate, and are only entertained by him on the application of private prosecutors in his judicial capacity. By a regulation of 1832 it was ruled that the police shall not interfere of their own motion in cases of simple theft, or theft by burglary, unaccompanied with personal violence, not exceeding in value a certain sum; but that in all such cases they can only act either on a written application from the injured party filed in the police office, or under special orders from the magistrate. On receipt of such an application or order, the inspector is to render every assistance; but, generally speaking, the originating of the prosecution in these cases may be said to be left to private prosecutors. The rule is one of doubtful policy, but it is supposed to guard against over-interference and extortion on the part of the police, of which complaint was made in Bengal Proper. In all the more serious cases—aggravated thefts and burglaries, robberies of all kinds, serious affrays, murders, &c., Government undertakes the prosecution, and the police act at once on receiving information. In such a case they repair to the spot, and endeavour by every means to trace the offenders and the property.

There is, however, no regularly organized "*detective*" police. The magistrates may attempt little detective dodges on a small scale, and the inspectors are expected for their own credit to do something in this way; but there is no *system* of informers or detectives for the best of reasons, that there are no funds applicable to such a purpose, and therefore individual officers have not the means of doing much. It must then be admitted, that a clue is much oftener in the first instance obtained by the injured party than by the police; but if the latter well work out and follow up the clue given to them (which cannot be done by a private prosecutor), they do a great deal towards securing the ends of justice.

No detective force.

Of every case which he investigates, the inspector makes and immediately forwards to the magistrate a full written report, containing the depositions of prosecutors and witnesses, and the examination of the defendant, a description of property, &c. &c., and his own statement of his proceedings and conclusions. He is prohibited from keeping a case more than two days at the police-station without special report and special orders. If he thinks that there is proof of guilt, he forwards all the parties to the magistrate; if not, he releases or refers for orders.

The inspector's report of a case.

In addition to these regular reports of regular cases the inspector keeps a diary, in which he records everything that occurs, the reports of the village watchmen, the movements of the police, remarkable incidents of all kinds, and everything appertaining to his duties. A copy of this is made late every evening and despatched to the magistrate, who receives it early in the morning; for a regular daily, or rather nightly, post is kept up between each police station and the headquarters of the district. The magistrate is thus kept fully

Diary, &c., kept at the police station,

and forwarded daily to the magistrate.

aware of every particular of everything which is going on at each police station. All orders of the magistrate the inspector returns when executed, with an endorsement on the back. He also keeps several books, in which are copies of orders received and reports made, lists of absconded criminals, &c. &c. I say that the inspector does all this, for he is responsible for its performance; but it will be remembered that he has a writer on purpose to do the voluminous writing. Besides their own regular duties, the police may be employed by the magistrate in the execution of his orders in various matters, cognizance of which belongs to him.

The magistrate's course of business.

The magistrate every morning passes such orders as may to him seem necessary on the diaries of each police station for the previous day, and on the reports of particular cases, and various references and applications of all kinds. He gives directions regarding those cases which have been sent in; if necessary, he talks to the parties and the prisoners, and makes such private inquiries as he deems expedient, or he orders the evidence to be duly brought forward in open court, where, after full investigation, he either disposes of it himself, if within his powers, or commits it for trial before the Sessions Judge if it is beyond his jurisdiction.

Commitments.

In the latter case, he must not only, as in England, consider the case one in which there is sufficient presumptive evidence to justify a trial, but must, after fully going into the merits and hearing both sides, be satisfied that there is such proof as renders a conviction probable. For nothing is a magistrate more censured than for committing cases without sufficient proof; and, as the proof is all the less likely to be perfect when it goes before the judge after the lapse of a few weeks, he must look very sharp to its full sufficiency, or had better not commit. The time during which a magistrate may keep a case under investigation is not actually limited, but,

as his monthly statements show how and when he disposes of everything, and much of his credit depends on a reputation for quickness, there is a great indisposition to keep cases long pending, and, if satisfactory proof is not speedily obtained, the parties are generally released and the case disposed of; otherwise he is called upon for all kinds of explanations.

Besides the disposal of felonies sent in by the police, the magistrate exercises his discretion in originating prosecutions, either on application of the injured parties or on such private information as he may obtain. I have mentioned that he has no funds for a detective police, but he is authorized in certain cases to offer pardon to accomplices, and he may occasionally obtain sanction to the offer of rewards. His influence and patronage may bring people about him to act as informers and give him assistance. If he fraternise much with the prisoners in his gaol (and in road-making and such common pursuits the magistrates and prisoners often become great friends) he may often get much out of them.

He also holds court for the hearing of the large class of grievances of which the police have not cognizance. Of some cases, forgeries, frauds, &c., he may undertake the prosecution, but the great majority of these cases are left entirely to private prosecutors.

I have mentioned in a former chapter the official superiors of the magistrate, so need not here recapitulate them. To his executive superior (the Commissioner or Superintendent of Police) he must apply for sanction to offer rewards and pardon of accomplices, and for everything regarding establishments, &c. &c.; while for all acts of a judicial nature he is subject to the superior courts.

The progress of a case of felony, from the occurrence of the crime till it is brought to final trial and decision, is somewhat as follows:—

Progress of a case from beginning to end.

Jeelall, shopkeeper, gets up in the morning, finds a hole in his wall, and all his moveables gone; whereat he laments exceedingly, and, raising a great outcry, summons the watchman and the Punch. The watchman declares that it is most extraordinary; he kept watch all night, but saw no thief. The Punch observe that they are very sorry,—by all means send for the police; so the watchman is despatched to the inspector. Meantime Jeelall, seeing that he is not likely to get much satisfaction if he trusts to other people, himself sets to work in earnest. He has probably influence and connection in the village, and, knowing the right person to apply to, pays something handsome for information, acting on which, with the assistance of the Punch, he secures a small boy, supposed to be mixed up in the affair, and lays an embargo on two or three suspected houses. By this time arrives Mahommed Khan, the police Darogah, a handsome burly Mahommedan, mounted on a comfortable-looking pony, with a distinguished-looking turban of extravagant proportions, several daggers in his belt, and a posse of followers. Now if (as very frequently happens) no clue had been found, and the case had seemed a hopeless one, Mahommed Khan would have set forth in his report a dozen excellent reasons to show that Jeelall never was robbed at all, but made a hole in his own wall, in order to defraud his creditors; and would have varied the barrenness of his statement with many excellent Persian and Arabic aphorisms and pertinent observations on the faithlessness of shopkeepers in general, and of Jeelall in particular. In this instance, however, finding that a clue has been obtained, he probably goes about the case actively. The suspected houses are searched, and the "Khan jee" has a private interview with the small boy, the result of which is that some of the property is found, and the boy consents to name his associates. "Dours," or flying par-

ties, are sent off to pounce on the distant rendezvous of the principal burglars; they are apprehended, and the whole affair comes to light. Mahommed Khan probably takes this opportunity of despatching by express to the magistrate the following report, or "petition," as it is called in oriental phraseology:—

"Cherisher of the poor, your good fortune is great. You will have learnt from yesterday's diary that upon hearing of the burglary in the house of Jeelall, shopkeeper, your slave, girding up his loins, set off determined to discover the criminals or return with his face blackened for ever. Not through any merit of this humble one, but solely through the favour of God and the overpowering good fortune of your worship, the efforts of the lowest of your slaves have been crowned with success, and 'Inshallat-tallah' (please God) the thieves shall be rooted out from the face of the earth. Your slave, immediately on his arrival, adopted a thousand devices and deep stratagems, and expended a large sum from his own pocket in bribing informers, and with intense difficulty insinuated himself into their confidence, so great was his desire to gain your approval. But not to these persevering efforts of your slave, simply to your fortunate star, is due the discovery of a clue to the perpetrators of the crime.

"Your slave, being thoroughly acquainted with all the bad characters, apprehended a desperate burglar, and so managed him that through your good fortune he gave a further clue, and eventually (the efforts of your slave being unremitting) six burglars and two receivers have been seized and the whole of the property recovered, except some few articles, which Jeelall doubtless inserted in the list from a mere spirit of exaggeration. It is impossible at this moment to furnish a detailed report, therefore I despatch this preliminary petition for your information. The regular report, with the parties, the prisoners, and the property, will be sent in to-morrow morning. Your fortune is invincible. The petition of your humble slave

"MAHOMMED KHAN,
"*Thanahdar.*"

Doubtless the magistrate is duly impressed with the belief that his good fortune, so often referred to, consists in

the possession of so invaluable a treasure as Mahommed Khan.

All the evidence, &c. &c., is duly recorded in the police station, and the next day the case is forwarded to the magistrate's court, with a very voluminous report. On its arrival the depositions are all taken over again, and the magistrate hears the whole of the case. It most frequently happens that some new defence is set up, or some of the evidence is imperfect or irregular, or some further investigation is required; and whatever is in any way wanting, the magistrate causes to be supplied, and postpones the case till it is complete. When he is satisfied, he decides and sentences, or commits to the judge. In the latter case, the judge appoints the trial for the next convenient sessions, and the magistrate becomes, in fact, the prosecutor. All the witnesses, &c., appear a third time, before the judge after a considerable interval, and the prisoner is allowed to bring forward any fresh evidence that he chooses. In the mean time there is no one interested to keep the witnesses for the prosecution untampered with, but the prisoners and their friends have a few weeks to buy over as many as they can. Moreover, they produce, to meet the evidence of the witnesses whose testimony they have heard before the magistrate, any number of fresh witnesses, regarding whom or whose testimony the prosecutor has no previous notice whatever, and who may be trained and drilled to the exact part required. Thus prepared the case comes on for trial before the judge in a way which gives every possible advantage to the criminals. The judge makes no farther investigation, but condemns or acquits on the evidence before him.

The assistants of the magistrate.

The magistrate has (as I have explained in a former chapter) several assistants. Till 1843 the magistracy was entirely confined to covenanted servants; in that year the class of uncovenanted

deputy-magistrates was instituted. The principal object seems to have been to obtain, through deputy-magistrates stationed in the interior of the district, greater efficiency of the police; but this intention has, I think, failed for sufficient reasons, and it is chiefly in a judicial capacity that deputy-magistrates are very useful. The fact is, that a good management of the police does not depend on immediate proximity and division of authority, but rather on an uniform system and the efficient union of power in one energetic hand. The qualifications required for the superintendence of the police, managed according to our system, are much more likely to be found in the magistrates than in the classes employed as deputies. It is a duty for which the natives are not well fitted; they either want the firmness and energy of the European, or they resort to means deemed inadmissible by us. Natives may, I fully believe, be formed into a very good executive police, but they must be supervised and disciplined by a European magistrate. It is, therefore, better to centralise all authority than to interpose deputy-magistrates between the head of a district and the police inspectors in matters of executive direction. I believe that it is found to be so in London, where, while there are many magistrates for judicial duties, the control of the police seems to be centralised in one office.

On the other hand, it was in India very hard that in petty cases the parties and witnesses should have to travel long distances to the magistrate's court; that, while both petty revenue and civil suits could for the most part be disposed of by local officers, criminal cases (the course of which ought of all others to be most easy) should thus be rendered tedious and difficult. For judicial purposes, therefore, the introduction of the grade of deputy-magistrates was a very great improvement. The question has been, to whom the powers of that office could most

appropriately be given. The police inspectors could hardly be trusted with them; the inferior civil judges had already enough to do; unpaid magistrates were not to be depended on, and there was hardly work enough for many deputy-magistrates exclusively employed in that capacity at several places in each district. In Bengal Proper, where there are no tehseeldars, there has generally been but a single deputy-magistrate stationed in the farthest part of a large district; but in the Upper Provinces great advantage has been found from intrusting a portion of the judicial powers of a magistrate to the tehseeldars, of whom it will be remembered that there are six or eight at different stations in each district. Petty cases are referred to them at the magistrate's discretion. An immense ease is thus given to the people, and the administration of justice is much facilitated.

It appears that there is now a great difference in the character of the police of the Upper and Lower Provinces, notwithstanding that the system is the same. Although it has been seen that there is no regular detective machinery and no very efficient police profession, yet in the Upper Provinces so much success has been attained as to keep down violent crime—to render gang-robberies, &c., of exceedingly rare occurrence. A man is there pretty secure in his property and person if he exercise perfect vigilance. He has little apprehension that his house will be entered by open violence. But it must be admitted that nothing short of a very unusual degree of vigilance will secure him from secret thieves and burglars, and that in far the greater number of ordinary thefts he will derive little assistance from the police, unless he himself gets some clue or hazards some fortunate conjecture. In short, in the Agra division of the presidency the police, under an energetic government and magistrates possessing a considerable concentration of

Character of police in the North-West Provinces,

authority, and among a manly people, has been made as efficient as it can be without a detective system, and under the several disadvantages heretofore explained. In Bengal Proper, on the contrary, both the police and people are effeminate, and the former has attained an unfortunate notoriety as being more active for evil than good. The misdeeds of the Bengal police may be a good deal exaggerated, but they are doubtless inefficient and apt to be corrupt. The chance of efficiency seems to be much lessened by the precautions which it is necessary to take against extortion and malversation on their part. A Bengal inspector, instead of an active, soldier-like man, mounted on a strong pony, is generally an obese individual, clad in fine linen, who can hardly walk, and would think it death to get on horseback, who is carried about in a palanquin on men's shoulders, and affects rather a judicial than a thief-catching character. When a serious crime occurs, he *first* writes an elaborate report, and perhaps intimates his intention of proceeding *next day* to investigate the case; and when he does go, he takes up his quarters in the village, and, summoning all and sundry to appear before him, holds his court. This is just the man to suit a prosecutor who gets up his own case at his own discretion and produces his own witnesses, but little is gained by an unfortunate, stripped by Dacoits, who finds the inspector quartered upon him taking useless depositions. But, after all, the great cause of crime in Bengal is the effeminacy of the people, who do not defend themselves against either Dacoits or police. It is very difficult for any government to defend those who do not defend themselves. It is certain that, at this moment, in many districts of Bengal, the inhabitants are not only in danger of secret thieves but of open robbers; that gang-robberies are frequent, and that any man's house may be invaded in the night by armed force.

and in Bengal.

But as the suppression of crime depends quite as much on the judicial system as on the police, I shall not more particularly compare the criminal results till I have noticed the working of the tribunals.

The police system of the Madras and Bombay presidencies considerably differs from that of Bengal. I have already mentioned that the police is, in those parts of India, intrusted to the revenue servants, after the native fashion. In Madras there seems to be no attempt at a regular police. Both police management and certain judicial powers are intrusted to the tehseeldars and village officers. It is supposed that the severity and extortions of the police are thus avoided, and that the government is carried on in a paternal way. Such a system might succeed in very quiet, well-behaved districts, where there is little crime, and little active police management is required; but I doubt whether there are many such districts in India, and am sure that, under our system, serious crime cannot be checked without stronger measures. I think that the plan is inconsistent with our judicial system and rules of evidence. It appears that the magistrate of a Madras district has little real control over the village police, for I find that the Governor highly approves of a proposal made by one magistrate "to register the talliers and toties (watchmen), to enable him to exercise some control over them:" whence it may be concluded that hitherto the magistrates know nothing about those functionaries, and that they are mere hereditary "vested-right" men, of all people the most useless and most expensive.

Madras police.

In regard to the exercise of police powers by the revenue establishments, it may be observed that the union of the offices of magistrate and collector in the European head of a district succeeds, and is so far beneficial, because in Europeans intellectual qualifications are not gene-

rally separated from bodily energy, and the object is to unite in the hands of one man energetic and centralized power, which we do not fear his abusing. But it is otherwise when, going farther than this, we unite all powers in the native subordinates. In them different qualifications are seldom united, and the qualities required for a good revenue manager or civil judge are almost incompatible with those of a good police officer. A stout, well-paid tehseeldar may be highly respected by the cultivators—a most learned, acute, and worthy man, and well qualified to decide petty cases brought up before him—yet not at all fitted to mount his horse and ride off after a band of Dacoits. Moreover it is not the object too much to strengthen the hands of individual native officials, but rather, by disuniting police and revenue powers, to arrange that no man may become too absolute a ruler in his limits.

In Madras there is a judicial officer called Subordinate Judge, by whom are exercised most of the judicial functions vested in the magistrates in Bengal. All important cases are committed by the tehseeldar to the subordinate judge without going before the magistrate at all, and he either sentences himself, or, if the case require punishment beyond his powers, he again commits to his superior, the sessions judge.

The result of the Madras police system does not seem to be by any means favourable, if we may judge from the very large number of gang-robberies which appear in the returns.

Bombay police.

The Bombay district police is upon much the same footing as that of Madras. The tehseeldars (or mamlatdars, as they are there called) have much larger powers, but do not seem to commit direct to the judge. Serious cases are sent in the first instance to the magistrate: petty cases are decided by the police officers.

In some districts of Bombay I understand that there is also, in addition to the ordinary police, another force, consisting of organized and disciplined police battalions, who do much of the most important work. In Bengal a police battalion is merely an irregular corps, which furnishes guards and escorts for civil duties; but in Bombay it appears that these corps are really police—that their commandants are intrusted with large police powers—that they have approvers, informers, and detectives regularly entertained—and that they are employed under their own officers in tracing Dacoits and important criminals.

In Bombay, too, notwithstanding the vast proportion of the revenue consumed by hereditary officers, little control is exercised over the village police, and they are of little use. The police authorities recommend to Government a plan for availing themselves of the vast material which is now in a state of "comparative torpor." The Bombay returns show so many violent crimes that we must conclude the police to be inefficient.

Special police for the suppression of professional Thugs and Dacoits.

Besides the ordinary local police, there is another special police for all India, altogether separate and peculiar, of the results of which a good deal has been heard in Europe, and to which I have generally alluded in describing the system of government. Of this system I have had some experience. The district police dealt with local criminals. But it was found that there were classes of professional criminals, carrying on their trade with great art and skill, and confined to no particular localities, but travelling all over India, and with whom no local magistrate could at all cope. Travellers, both honest men and robbers, pass daily unquestioned and unnoticed from one end of India to the other. Hence it happened that the travelling murderers murdered the honest travellers at a distance from

their homes, buried the body with artistic skill, no one remained to tell the tale, and the best local magistrates might know nothing either of the murderers or the murdered. These were the Thugs. Again, there are the vagrant wandering gipsy-like classes, to whom I have formerly alluded, generally with some ostensible occupation—feeding cattle, or carrying grain, or killing game and vermin, or dancing and singing. But many of these are professional gang-robbers, and passing, as they do, at liberty from one district to another, no magistrate knows anything of them, nor could in any way distinguish different parties. Hence, if any night they committed a robbery in one district, and a couple of days after were quietly encamped, like a multitude of other such parties, a hundred miles off, following their ostensible trades, it was most difficult to trace them. Neither their coming nor their going was in any way remarkable, and there was no fixing on the right party. These were the professional Dacoits. In the native states the Thugs and Dacoits were not so unmolested as with us; they were much more likely to be, without any particular accusation, stopped and searched and roughly handled by any local official who thought they professed no good, and, if evidence of dishonest pursuits were found, a dreadful punishment was wreaked on them, without regard to systematic proof of a particular robbery, or they could escape only by giving up many years' earnings. But under us they shared in the general personal liberty of the subject. An inspector of police, however much he suspected them, could not interfere when he had no particular crime to lay to their charge—no prosecutor, no witnesses, and the probability of only getting into a scrape. And if an over-zealous magistrate seized a party, and perhaps found a miscellany of property, evidently not honestly their own, it most frequently happened that they had brought it from long

distances—the owners were not to be found—no case could be sent up for trial, and the magistrate was obliged to release them.

Hence it began (about Lord Hastings' time) to be apparent that both these kinds of crimes were increasing, and that some measures were necessary. Finally a peculiar police for the purpose was established under Colonel Sleeman (author of various publications on the subject), which was most successful. Our ordinary police is, I have said, more preventive than detective; but this was a purely detective force. It was entirely unconnected with the local police, but armed with general powers, both in our own territories and in most of the protected native states. It principally worked by a great system of approvers—men whose lives were spared on condition of their faithfully serving Government, and to the accuracy of whose statements many tests were applied. The superintendent of the new police and his assistants were entirely freed from the ordinary checks and restraints. They were in no way responsible to the Sudder Court or to any local authority, but solely to the Supreme Government. They were permitted to retain prisoners under trial for any length of time—to separate them to different parts of the country—to make them over to the old approvers, and to worm the truth out of them, after the German fashion, by any means short of actual torture. Committals by them were to be tried by any judge, without regard to venue; and the most important point of all was that, by a new law, a man, though not charged with any specific crime, might be tried for "having belonged to a gang of professional Thugs or Dacoits," and, being convicted, was subject to the penalties of Thuggee or Dacoitee. The police force and approvers were organized after a semi-military fashion. The assistants of the superintendent were stationed in different parts of the country, and sent

out their parties, with approvers, on detective expeditions. Minute lists were made of all persons satisfactorily denounced as professional criminals, and who were to be seized wherever found; and the motions of the different gangs were traced and followed over all India. The first gang through whom anything effectual was discovered was kept seven years under trial before anything could be established against them. At the end of that time they confessed and turned approvers. All the information they could give was taken advantage of. Many were seized, many confessed, the truth of many stories was established by strong corroborative evidence. A very large number of criminals were convicted, many punished, and many made approvers. The approvers have life, but no actual liberty. Those who do good service have many indulgences, but sentence of imprisonment for life is recorded against them. Their stories are tested by the discovery of bodies and of property, the verification of the loss of travellers of whose murder they tell, and so on. The account given by one man is compared with that of an associate in a prison a thousand miles off, and his with another somewhere else; and altogether so minute a system of checks is established that, with really efficient supervision, falsehood becomes almost impossible. The result was the seizure and suppression of almost all the professional Thugs, and the greater number of the professional Dacoits, and the end desired has been admirably attained. Having shown the advantages of the system, I am bound also to state that it is so delicate and dangerous an instrument, that one careless or inefficient officer may do immense harm, and that it is very difficult to prevent the police and approvers, the instruments of so formidable a power, from establishing a system of terrorism, and plundering the innocent while they apprehend the guilty. The conclusion I draw is, that it is a

most necessary and efficient weapon in desperate cases, such as the criminal associations I have described; but in the absence of any very crying evils, or after their extirpation, it should be withdrawn, or used in connection with the general administration in a modified form.

In connection with the police system, I have briefly mentioned by whom criminals are tried. It remains to notice the laws and rules under which they are tried and punished. But of course I can here but briefly touch on this subject. It is much too large for such a treatise as this.

The criminal law, its foundation.

The foundation of our criminal law is still the Mahommedan code; but so altered and added to by our regulations, that it is hardly to be recognised; and there has, in fact, by practice and continual emendative enactments, grown up a system of our own, well understood by those whose profession it is, and towards which the original Mahommedan law and Mahommedan lawyers are really little consulted. Still the hidden substructure on which the whole building rests is this Mahommedan law; take which away, and we should have no definition of, or authority for punishing, many of the most common crimes. Most serious crimes are offences in all countries, and by all laws; but the whole Mahommedan law of evidence (a very artificial and absurd one) and almost all the Mahommedan punishments have been swept away, and our own rules of evidence and punishments have been substituted. We have also, as the emergency arose, enacted special laws against most of the more common and grievous offences. In Bombay only is the Mahommedan law altogether dispensed with, both in fact and in name, and the Regulations of 1827 contain a criminal code, which seems a good deal to correspond in principle with the criminal laws of the other presidencies, but derives its authority from an independent source.

In Bengal it was early found that the Mahommedan criminal law, as enounced by the Mahommedan lawyers, was too mild to meet some of the most serious and prevalent crimes. There have, therefore, been passed very stringent enactments for the punishment of gang-robbery, and crimes of that nature. It was also necessary to punish affrays with great severity. Murders, thefts, and such ordinary crimes, have been provided for. The powers of the different officers and of the police, and the mode of procedure, are also laid down in the regulations and acts. The miscellaneous offences not specially provided for by the regulations ought properly to be punished only as being crimes by the Mahommedan law; but in the neglect and contempt into which that law has fallen, it must be admitted that miscellaneous offences depend very much on general practice and the judge's opinion as to the acts which are probably *mala prohibita*, inasmuch as they are *mala in se*.

Subsequent changes and enactments.

From what has been said, it may be concluded that our criminal law is very much of a patchwork made up of pieces, engrafted at all times and seasons on a ground nearly covered and obliterated. The Sudder Court is in the habit of issuing authoritative "constructions" of regulations and points of practice, which regulate all inferior courts; but successive judges pretty often vary their constructions.

The general result is, that all the worst and most common crimes are satisfactorily provided for by special enactments; but that there is a very great want of definition, accuracy, and uniformity as to the miscellaneous offences, a good deal of uncertainty regarding the construction of the law, and great room for difference of opinions between different authorities. We have the main points of a tolerable system; but it wants remodelling, classification, and codification.

European British subjects are still altogether exempt from the jurisdiction of the Courts, except a special power of fine (for injuries to natives accompanied with violence) given to the Company's magistrates by the Act 53 George III. cap. 155. That they should remain so exempt is a crying grievance and evil entirely incompatible with the freedom to reside in the country, and to carry on all dealings, now accorded to them, and quite contrary to the intentions and requirements of Parliament. But of course most of the Europeans and European conductors of the press are violently opposed to any change, and allege all kinds of possible and impossible reasons against it. The matter was for long delayed in the hope of a new criminal code; but that not appearing, and the present criminal law being very tolerable, and by no means oppressive, there seemed no reason why Europeans should not, as well as other people, be subjected to it, and a draft Act, styled by the editors "the Black Act," was published to abolish the exemption. It turned out, however, that there was a regulation, fortunately disused, which said that prisoners, not Mahommedans, might claim exemption from the operation of Mahommedan law; but did not explain by what law (in the absence of special enactment) a Hindoo or European claiming this exemption *was* to be tried.* And all kind of outcry and difficulties being raised, the matter has again been postponed till a code appears.

Classification of offences.

There is a great want of a uniform classification of crimes; but the following shows the nature of the most common offences, classed with reference to existing laws:—

* An odd case occurred a few years ago at Benares of a half-caste who was convicted and sentenced to imprisonment for adultery, but was pardoned by Government on the ground of *his being a Christian*—a fact which certainly does not seem a mitigation of the offence.

Offences against the Person:—

Murder.
Criminal homicide.
Affray, with homicide.
Affray, with wounding or personal injury.
Simple affray, or riot.
Assault, with serious wounding.
Simple assault.
Rape.
Adultery.
Seduction of girls or married women.
Child-stealing.
Suttee.
Importation of slaves.

Offences against Property, committed with violence:—

Dacoitee, with murder.
Do. with torture.
Do. with wounding or personal injury.
Do. unattended with aggravating circumstances.
Highway robbery, with murder.
Do. with wounding or personal injury.
Do. unattended with aggravating circumstances.
Burglary, with murder.
Do. with wounding or personal injury.
Theft, with murder.
Do. with wounding or personal injury.
Do. by administering poisonous or stupefying drugs.
Cattle-stealing, with murder.
Do. with wounding or personal injury.

Offences against Property, committed without violence:—

Burglary, unattended with aggravating circumstances.
Simple theft.
Simple cattle-stealing.
Receiving stolen or plundered property.
Plundering.
Fraud.

Offences against Property, committed without violence—continued.

Embezzlement.
Trespass.
Being by habit and repute a bad character, and without ostensible honest livelihood.

Malicious offences against property, arson, &c.
Perjury.
Forgery.
Offences against the currency.
Smuggling.
Crimes and offences not included in the above—of which there is no general classification whatever; but I take the following from the statements for several districts, to show the most common offences thus classified:—

Misconduct, or neglect of duty, on the part of public servants.
Do. do. of Zemeendars.
Do. do. of village watchmen.
Resistance of process.
Contempt of court.
Harbouring criminals.
Leaving service without due notice.
Bribery and corruption.
Gambling.
Abusive language.
Destroying boundaries.
Attempt at suicide.
Procuring abortion.

Homicides.

The Mahommedan classification of homicides still obtains and differs considerably from that adopted in England. Instead of murder, manslaughter, and culpable homicide, there are but two grades of the crime, and the distinction is drawn, with reference, not to the presence or absence of malice aforethought, but

to the probable intention or otherwise of causing death. Thus, if two persons suddenly quarrel, and one stabs the other with a knife, it is manslaughter by the English, but murder by the Mahommedan law. Again, if one person lie in wait to horsewhip another, and the latter happen to die from the blow of an instrument not likely to cause death, it is murder by the English law, but only criminal homicide by the Mahommedan code. But if death be caused by the blow of a heavy club exceeding a certain weight, such as the striker might reasonably suppose to be likely to cause death, it is murder, whether there be malice aforethought or not. A large class of homicides, those which occur in the prosecution of particular crimes, are by the Indian regulations classed with those crimes, and provided for along with them. Thus, "Affray with homicide," "Dacoitee with murder," "Theft with murder," are each, it will be seen, specific crimes; and so "Theft with wounding," "Burglary with wounding," &c. Any person concerned in an affray, dacoitee, or theft, in which murder or wounding occurs, is guilty of an offence thus described, and particular proof as to whose hand struck the blow is not required. This arrangement is extremely equitable and useful.

Dacoitee, &c.

The crime of Dacoitee, or gang robbery, is distinguished from ordinary robbery, by the numbers engaged forming a gang; and from burglary, by the use of *open and intentional* violence. There may be many persons concerned in a burglary or theft, and, being disturbed, they may murder or wound; but Dacoits do not *attempt* concealment. They disguise their faces, but make an open attack with lights, &c., and for the time defy the inhabitants of the neighbourhood. Herein the crime as practised in India is well defined and distinguished from anything else. Dacoitees are classified according to the degree of violence used. Dacoits not

unfrequently apply torture to induce a disclosure of hidden valuables.

Burglary is in India merely stealing from an enclosed and fastened place; and the dwellings are of so frail a description, that it is a much more common and less heinous crime than burglary in this country. I have formerly mentioned the common method of making a hole in the wall. Cattle-stealing, as being more severely punished, is distinguished from ordinary theft.

As there are occasions in India when property is plundered without actual robbery or theft—as, for instance, when it is left unguarded—it is necessary to enter some cases under the head of "plundering."

Notorious bad character.

The last offence which I have entered as against property is that of notorious bad character, and the presumed living by evil practices in the absence of ostensible means of honest livelihood. From such persons the magistrate is authorised to demand security for good behaviour, in default of which he may detain them in prison for a limited period, viz. one year; but if it be necessary to keep them beyond that time, he must report the case for sanction of superior judicial authority, and in every instance a fresh order must be passed by the sessions judge every three years. In all such cases the accused party is regularly tried; proof is led that he has a notorious bad reputation, or has been violently suspected of particular crimes, and he is called on to rebut this evidence, and to show if he can that he has any honest means of livelihood. He has also every facility of appeal against the magistrate's order.

Want of law against vagrancy.

It may seem that this power is liable to abuse; but it is very necessary, and, in fact, the magistrates cannot sufficiently exercise it. There is no general law against vagrancy, of all things the most fruitful source of crime. I believe that two-

thirds of the whole serious crime is committed by wandering tribes, who have little honest livelihood. Yet in practice no magistrate has any power of dealing with these people. He may apprehend them, but they never can furnish security of any kind, and no one knows anything of them. It is no use keeping them for a year and then letting them go again; if they were kept longer the gaols would not contain them, and the judges would not sanction their detention without specific proof of crime. I have apprehended a gipsy gang (a part of which had already been convicted of theft) wandering about in the disguise of religious devotees, who admitted that they belonged to one of the thieving castes, whose account of their residence turned out to be altogether false, who had no ostensible means of subsistence whatever; yet, in the absence of a specific charge, have been unable to obtain sanction to their prolonged detention, and obliged to release them to disappear into other districts, and there of necessity live upon the community. There is no dealing with these people, unless (what I think would be the best plan) they were deported to some under-populated part of the world, where they would have more to gain by honest labour and less opportunity of living on the plunder of a fully peopled country. At present each magistrate merely tries to send them out of his own district into the next.

Certain extreme tribes, whose sole profession is robbery, have been, as I have before mentioned, denounced by law in the same way as the Thugs, and have been nearly extirpated; but no provision has been made against the large wandering classes who generally affect some nominal occupation, and always thieve whenever they can. The law against bad characters is principally enforced in regard to fixed inhabitants, who can give some kind of security when hard pressed; and the judicial authorities are so much inclined to look with disfavour on the exercise of this power,

and to suspect the magistrates of abusing it, that it can only be applied in very extreme cases.

The nature of the other crimes included in the foregoing list does not call for particular comment.

Absence of political crimes.

Political crimes of any kind, treason, sedition, &c. &c., are so uncommon, that they do not find a place in the list once in several years, and there is very little legislation in regard to them. I do not think that there has been any civil execution for a political crime in the whole course of our Indian history.

Mode of trial.

The magistrate, in fact, acts as public prosecutor in most felonious cases when they come before him, but he is prosecutor, not as a one-sided advocate, but as one charged with the interests of truth and justice, with the detection of the guilty, and the protection of the honest. So long, therefore, as the criminal is under trial before him he unites all functions, as prosecutor, protector of the prisoner, and judge. In passing sentence as a magistrate he is sole judge, and consults no one; he fully examines all the parties, including the prisoner, makes every investigation in his power, and then decides. I have before said that a magistrate is not supposed to commit till he is quite satisfied of the guilt of the prisoner and of the sufficiency of the proof. When the case is committed, he can interfere no farther. One of his native subordinates goes to the judge's court and produces the papers, witnesses, &c., does the mechanical duties of a prosecutor, but no more. In describing the progress of a case I have referred to the mode of trial before the judge: he holds sessions generally once a-month; he hears the witnesses upon whom the magistrate rests his proof, and any others whom the accused may have named, but the prisoner is not required to criminate himself or to answer questions. The judge cannot decide of his own mere motion. There were originally Mahom-

medan law officers whom he must consult, and, if he differed, he must refer to the Sudder Court; but these law officers are now generally permitted to die out and dispensed with. Instead thereof the judge is authorized to summon a jury of assessors, consisting generally of half-a-dozen respectable people, whose opinion he takes instead of that of the law officers; but he is not bound to abide by this opinion. No one is compelled to serve on the jury; it is alien to the feelings and customs of the country, people cannot be induced voluntarily to sit upon it, and for all practical purposes it is an entire failure. The Punchayet or jury of arbitrators, chosen by two parties to decide between them in civil cases, is a native institution; but to be summoned by Government to decide on the guilt or innocence of a person in whom they take no interest is a hardship and unprofitable responsibility much disliked by all natives. In fact, the judge generally puts into the box some of the pleaders and such people about the court, in order to comply with the law, intimates to them very broadly his opinion, they always agree with him, and there is no more trouble. For having taken their opinion, he may decide as he chooses. Up to a certain limit he sentences at once, beyond that limit he refers the papers with his recommendation for the judgment of the Sudder Court, who decide and sentence thereupon without personal appearance before them. An Act was lately proposed to give to every one the option of being regularly tried by a jury of his peers, but being quite inapplicable to the country it has not been yet adopted.

Trial by jury.

Hitherto prisoners under trial were not allowed to communicate at will with people outside the prison. The magistrate gives them every facility for obtaining through him the means of clearing themselves, and it is impossible to prevent their friends

Counsel to prisoners.

outside from doing what they can; but a desperate criminal was not allowed to plot with a professional adviser the means of defeating justice, nor was counsel generally allowed on trial. The magistrate and judge were in their respective courts counsel for the prisoner, but, in the absence of an advocate for the prosecution, an advocate for the defence was not permitted. During the last year, however, an Act has been passed giving to every criminal a *right* to counsel. This is an innovation in deference to English ideas of justice, yet destructive of justice. If it is intended that a professional adviser shall have free access to a prisoner under trial, be permitted to trump up his story, cram false witnesses to correspond, and use every means for avoiding the discovery of the facts, it is a ruinous measure and strengthens indefinitely the hands of those who are too strong already. So soon as a regular professional advocate shall appear at the time of trial to urge the case against the prisoner, so soon a like advocate may at that time fairly appear in his defence; but, in the absence of the former, to admit the latter is most absurd and inequitable. I am aware that I argue against a strong English prejudice in this matter. Prisoners have within a recent period been allowed counsel in this country, and rightly and properly so; and hence it is supposed that it must be proper to adopt the same course everywhere. But the difference is immense. In the one case, the advocacy of the prosecution has been brought to such perfection and refinement, and the facilities of the prosecutor are so great, that counsel for the prisoner is quite necessary for the interests of truth; in the other case, there is no advocacy for the prosecution, the facilities are all in favour of the prisoner, the professional advocates are the most unscrupulous of men, and the admitting their interference is a simple and unqualified hindrance to the discovery of truth. It must be remembered that but a comparatively short

time ago a majority of the Judges of England were against giving counsel to prisoners. They were wrong, as in the advance of time and circumstances it has turned out; the time had then come in England for the change. But these wise and learned men did not lightly argue without *any* grounds. The time for such a change, which they were so slow to believe to be come in England, will not come in India for many long years; and if there was so lately a doubt about the expediency of the measure in England, there may be a certainty of its inexpediency in India during the lives of the present generation. There is a right time and a wreng time for all things. I am sorry to see in the Indian legislature such signs of concession to the false philanthropy of the times. It is a very false philanthropy to facilitate the escape of criminals to the detriment of honest men.

Mode of procedure in petty complaints.

The mode of procedure in petty cases not felonious, in which the magistrate does not undertake the office of prosecutor, in petty assaults, trespasses, seductions, &c., is more like that in a civil action. The complainant presents a petition to the magistrate on a stamp of the value of one shilling. If the complaint is *primâ facie* good, the defendant is summoned, but he may generally appear by attorney if he chooses; his answer is heard, the proofs of both parties produced, and the case being decided as between two parties, in the event of conviction sentence of fine or imprisonment is passed. I have alluded to the fact that in the Bengal Presidency there has been a great want of facility for the hearing of these complaints, since, the police having no jurisdiction whatever, redress could only be had at the chief station of the magistrate, perhaps a long way off; and, although it may be well to discourage litigation of this kind, it was very hard to have no nearer means of redressing small but real grievances; but the appointment of deputy-

magistrates does much to remedy this evil. In Madras and Bombay, on the other hand, the regulations seem to run to the other extreme in regard to petty offences. Not only the police are invested with the power of deciding such cases, but even the village officers have authority to hear and determine them by verbal process, and to inflict certain punishments. The great majority of criminal cases in the returns of those Presidencies are those of petty assaults, abusive language, &c. &c., decided by the subordinate officers. In Madras there are 32,000 Potails invested with civil and criminal powers, but the great majority of these men do not act at all, and it is principally by the regular district police that petty cases are entertained.

Throughout India magistrates are authorized to hear and determine cases of disputed possession, in order to prevent affrays. They have also summary jurisdiction in regard to breach of contract of service.

The judicial powers of a Bengal magistrate are as follows:—

Judicial powers of different officers.

Simple theft and burglary—imprisonment not exceeding three years, or thirty strokes with the rattan.

Affrays—two years' imprisonment.

All other offences not specially excepted—imprisonment for six months and fine of 200 rupees, or farther imprisonment for six months more in lieu of fine, making altogether one year.

Assistant and deputy magistrates have powers extending to two months' imprisonment, or fine of fifty rupees; but Government may extend these powers till they equal those of a magistrate.

It appears that the powers of magistrates in Madras and Bombay do not extend beyond one year. The Madras subordinate judges have powers nearly equal to those of a

Bengal magistrate. The Madras tehseeldars, as chiefs of the district police, imprison for twenty-four hours, and may inflict six strokes of the rattan and fine of one rupee. The Potails imprison for twelve hours in the village choultry, or for six hours in the stocks. The Bombay tehseeldars, or mamlatdars, have power of imprisonment for twenty days and fine of fifteen rupees.

All cases of theft of property exceeding in value a certain sum, or accompanied with violence—all murders, robberies, affrays with loss of life or serious wounding—all cases of rape, forgery, perjury, coining, and all other offences calling for a more serious punishment than the magistrate has power to inflict, must be committed to the sessions. The sessions judge has a general power, extending to nine years' imprisonment, and a special power in cases of gang robbery, affrays, &c., extending to sixteen years.

Punishments beyond these limits are under warrant of the Sudder Court, from whom all sentences of death emanate. As the court exercise their discretion in sentencing, almost all capital and other sentences are fully executed. The Government hardly ever interferes.

Appeals.

From all sentences of the magistrate exceeding fifteen days' imprisonment, or fifty rupees fine, and from *all* "orders other than criminal trials," an appeal lies to the sessions judge: and from sentences of the judge an appeal lies to the Sudder Court. The latter court may also at any time call for any case, decided or undecided, and pass any order thereupon. Sentences may be mitigated on appeal or review, but cannot be enhanced.

Punishments.

The nature of the punishments may be inferred from what I have said of the powers of the different officers. Capital punishment is only inflicted for atrocious murders. Imprisonment for life is now generally carried out in transportation beyond the sea

(or "black water," as the natives call it), at Moulmein and the other settlements on the Burmese coast; and, on account of its unknown character, this "black water" seems to be regarded by the natives as worse than death. Death they are accustomed to see, and regard with a fatalist stoicism. But the transportation to unknown regions, never to return, inspires them with great horror. All sentences of imprisonment for terms are carried out in the gaols of the country, of which there is one in each district; but Government has the power of transferring desperate prisoners from the district to certain central gaols, and has latterly frequently exercised this power. In all felonious cases imprisonment is with labour and irons; in other cases labour is commuted for a fine, and the imprisonment is, if the fine be paid, simple. Corporal punishment is only allowed for petty thefts to the extent of thirty stripes, and may not be accompanied with any other punishment. The private property of a felon is not confiscated by Government, but, by a recent Act, the magistrate may levy on it the value of stolen property for the benefit of the plaintiff.

The prisoners are well fed and clothed. They principally work in large gangs on the roads, and at all kinds of public improvements, at the discretion of the magistrate.

Gaols.

They are also in many gaols taught carpet-making and such trades; and in the North-West Provinces, under the Inspector of Prisons, great efforts have lately been made to improve the discipline of the gaols and introduce new systems. The solitary and separate systems are tried in some gaols. Education of the prisoners has as yet been little attempted. It must be admitted that escapes are not unfrequent, and that the worst criminals are escaped convicts, men wholly desperate. With all India before them, and no means of tracing or recognising them, they might do incalculable mischief; but

fortunately they always return again and again to the vicinity of their homes, and are generally sooner or later recaptured.

In regard to criminal trials, it is very important to note the character and description of officers filling the post of sessions judge, as explained in Chapter VII., for, to their over caution and timidity, excessive adherence to strict judicial forms, weighing of evidence in Court without reference to exterior circumstances, hesitation in convicting, and disposition to give the prisoner the benefit of every doubt in their minds, reasonable or unreasonable, is due much of the difficulty of convicting clever criminals. Some judges are old and nervous; some are old, disappointed, and captious; and cases are brought before them under the most unfavourable circumstances. Some weigh straws, and, unable to make up their minds, think acquittal the safest course; some, considering themselves charged with the interests of the prisoner as opposed to the magistrate, seek for every argument for acquittal, substantial or technical; and none have any direct interest in the success or failure of the executive administration. Indeed, with Indian police, Indian witnesses, Indian contradictions, and clever Indian criminals, and cut off as the judge completely is from many of the best means of discovering the truth, it requires great nerve and great confidence in the proceedings of the magistrate to convict, unless the evidence is more overwhelming than can generally be obtained. In many cases, when the magistrate has no doubt of the guilt of the prisoners, there is great temptation to release, rather than run the risk of a trial before the judge; and many commitments or convictions of the magistrate end in release on trial or appeal. Character of the judges.

There is apt to grow up a sort of antagonism between the judge and the magistrate. The judge stretches to the utmost his judicial functions and power, and feels that his

consequence altogether depends upon exercising an active interference with the proceedings of the magistrate. Then there is the disposition to overstrained forms and exaggerated technicalities, which we always find much greater in unprofessional lawyers administering an imperfect law, than with fully educated judges and a settled system. The latter understand the principles and rationale of legal rules, the former are too apt to imagine that law consists in a blind adherence to technicalities; and it is probably on this account that all Indian judicial officers seem to be exceedingly given to legal quibbles and attempted niceties —a fact which (in regard to civil cases) has been frequently remarked by those who have had to do with the Indian cases referred or appealed to this country, and which much affects the criminal administration. This evil effect is not only asserted by me, it has been publicly stated by the chief police authorities in India; and in regard to the state of crime in Bengal, I shall presently have occasion to quote the representations and statements of the superintendent of police respecting a judge who acquitted almost every criminal, and the consequences thereof.

Evidence.

Before concluding the subject of criminal law, it is necessary that I should say something of evidence. I have remarked that the Mahommedan law on that head has been entirely swept away, and I think that few restrictions have been substituted in its place, except that all evidence must be brought forward openly in open court, and that the private worming out of the evidence of unwilling witnesses is not authorised. All evidence is taken down in writing. In the magistrate's court, where a great mass of work must be performed by a single officer, it is usual for deposition writers sitting in his presence to take the deposition of each witness. It is then read over to the magistrate, who

puts some further questions, cross-examines, and ascertains that the witness understands what has been recorded, and that it expresses his full meaning. The deposition is then attested by the witness and the magistrate. In this way an immense deal of business is got through, and if the European officer is at all efficient there is no opportunity for fraud. I have hardly ever known evidence to be at all perverted where the parties, the magistrate, and the witnesses all speak and understand the same language.

Examination of defendant.

The defendant is fully examined by the magistrate; and his examination is one of the best means of discovering truth. There is no actual mode of forcing him to answer questions; but the right of refusal never having been heard of, and silence being universally taken by the people to indicate guilt, no man refuses to answer. Generally the defendant is too eager to clear himself by telling all kinds of stories, which, being disproved, go far to show that he has it not in his power to tell an honest story, and place him in a much worse position than if he had affected a little stupidity and reserve. It is all very well to argue that it is contrary to English legal maxims to make a man criminate himself; but practically there can be no doubt that the system tends largely to elicit the real facts whether of guilt or innocence. I have always found that, in investigating a case, one of the first suggestions is, Well, what does the prisoner say to it? And it is so in every case in all the common affairs of life. If a child or a servant is accused or suspected of anything wrong, what do we first do? Why, interrogate him—examine him. It is naturally so, and ought to be so. I have argued with a murderer, talked it over with him, pointed out the improbability of his statements, confronted him with other evidence, and driven him from one position to another till he has fairly

confessed and told me all about it; and, on the other hand, I have been by the arguments of a prisoner convinced of his innocence.

Confessions.

A remarkable feature, principally resulting from the system of examining the defendant, is the frequency of confessions in newly acquired territory. This alone, at first, goes a long way to counterbalance the disadvantages which arise from the peculiarities of the country and people. It is indeed singular, considering the great tact and ingenuity of the people, that they so often confess. The fact seems to be, that under the native Governments a prisoner who confesses and tells his whole story is supposed to be treated with more favour than one who stubbornly denies, in spite of evidence, and refuses to give any information. And to men ignorant of our system it seems that, when they are caught *flagrante delicto*, or when there is tolerably clear evidence of their guilt, it is better to confess at once. Being apprehended, and knowing themselves guilty, they conclude that it has been all found out, and that they are not likely to get clear off; and as they are required to give a full and satisfactory account of themselves, which they cannot do, they make a clean breast of it. In such a country as India it is hardly safe to trust to a bare confession. One knows not what hidden causes may be at work. But when a man confesses, his story is at once tested in every possible way. He can probably give a clue to the property—his accomplices are seized. Finding that the thing has come out, and that one has peached, and not understanding the English principle that a criminal is no evidence against his associates, the others confess too. Their stories are separately told and minutely compared. And so it happens that the conviction of criminals and destruction of gangs is more than in any other way promoted by confessions. But as the criminals become accustomed

to our system there is a great change. It is then found that there are many judicial chances of escape, and little benefit to the individual from a confession made without stipulation. They run to the other extreme,—not only will not confess while there is a chance of escape, but in the clearest cases invent with great ingenuity the most extravagant stories. If the stolen property is found concealed in the thief's house, he immediately has it that his enemy has put it there. If he is caught in the act of committing a burglary, he unblushingly asserts that his object was not the plaintiff's property, but his wife. And so in our older provinces criminals avail themselves of every means to defeat justice, and very often but too successfully.

A considerable advantage in regard to evidence which the Indian have over the English criminal courts is this—Evidence to character and of previous convictions is admitted *before*, and not *after*, the decision of guilt or innocence; and is in fact the very best and most important evidence. What can possibly more tend to a right conclusion in a doubtful case than to know whether the defendant is a professional thief or an honest man? Suppose I lose my pocket-handkerchief, and find it in the pocket of a stranger. If the stranger turns out to be a professional pickpocket, will any rational man doubt that he stole it? But if he is proved to be a most respectable gentleman, who says that he took it by mistake instead of his own, will not his innocence be believed? Is it not monstrous then to attempt to exclude such evidence; or in practice is it possible to prevent the facts from influencing the minds of the jury, even when they are legally kept out of court? The most absurd part of the English law seems to be that a pickpocket may bring a dozen witnesses to testify that he is a most honest, amiable, and worthy man, and the prosecution

Evidence to character.

may not (in theory at least) hint at his connection with the swell mob till *after* the verdict.

Truth and untruth.

In regard to ordinary evidence, it has long been my conviction that, though the habit of untruth and hyperbole is most common, still among the people, as *we find them*, an efficient and experienced official can very well get at the truth in most cases. A great point is, that their very acuteness and intelligence helps one. There is no getting over a stolid witness who tells his story, and *will* understand nothing more. But most native witnesses one can cross-examine to any extent. Certain conventional exaggerations are given up; the parties are confronted and questioned; each is required to explain inconsistencies, and it very often happens that stories widely different to commence with are in the end brought wonderfully near one another as to the main facts; or, if one party is telling a story altogether false, it becomes surrounded with such a mass of contradictions, and inconsistencies, and unexplained facts, that there is little doubt about it. Of course the judge weighs the talents of different witnesses, and, his object being to discover truth, not to get one story, he assists and encourages those least able to explain facts. This then is the state of things in new territories. But there is a great deterioration in course of time, and hence I infer that the lying and perjury so much complained of are quite as much due to our judicial institutions as to the people. There is too great an inclination in our courts to take deliberate statements as the best legal evidence. A magistrate is an executive as well as a judicial officer. He can to some extent ascertain the character and history of the witnesses, and does a good deal towards weighing them properly. But still experienced criminals, and especially the professional attorneys about the court, do much to baffle him; witnesses are sent up well crammed and cau-

tioned to tell a connected story, and especially not to tell too much. And when the case, after a long interval, goes to the judge, the evidence is worth literally nothing. All the witnesses are thoroughly well up in a thrice-told tale. They have probably forgotten minute facts, and each merely remembers the story which he has told or undertaken to tell. Nothing is to be made of strings of such witnesses directly contradicting one another. The judge can get little more out of them. To him a witness is a witness, and he knows nothing more about him; and the antecedents of fresh witnesses produced by the defendant cannot then be inquired into. The civil courts are the great school for perjury, and in our older possessions false witnesses for criminal cases can easily be obtained from thence.

Another cause of the untruthfulness of evidence is the difficulty of punishing perjury. Much that is untrue or exaggerated is stated by many witnesses, and falsehood is a comparatively venial offence in their eyes. But perjury is treated in India as the same grave offence as in England. It can only be tried by a regular committal to the sessions, and is punished on the same scale as the graver felonies. It is therefore only in the very most serious cases of the kind that the law is at all applicable. And as one perjurer can generally bring any number of others to back him, and a decision is rather a weighing of opposite probabilities than clear proof of the falsehood of one side, it is very seldom that a case can be made so strong as to justify a trial at the sessions (under all the disadvantages which I have described) of criminals whose very offence and profession is the exercising the means of defeating the law. Magistrates are, therefore, very slow to run the risk of committal for perjury, and seldom obtain convictions.

Formerly regular oaths were taken by witnesses on

Ganges water or the Koran. But the sacred form was so lightly used, that it was altered to a general form of declaration, "in the presence of God" to speak the truth. Practically, I must at once say, that the judicial oath, as it is used, does not in the very least affect the evidence. The religious sanction does not extend beyond the general religious incentive to act well and uprightly with or without an oath. And yet this is not because the religious sanction of an oath is unknown to the people. On the contrary, it was nowhere stronger; and this is another of the changes caused by our system. In a new country, among the Jats of the North, I found that a solemn oath was astonishingly binding, not gabbled over lightly as an every-day matter in the courts of justice, but taken on rare occasions after the fashion of the people themselves. Nothing was more common, in cases of cattle raid and such-like matters, than for the plaintiff to demand the oath of the headmen of the suspected village. He took them out of court to some sacred place, or made them lay their right hands on the heads of their sons, and there in the face of their people swear a solemn oath. If they did so, the plaintiff was perfectly satisfied. If the cattle had really gone to the village, the Punch would not swear, but made private restitution and produced the plaintiff's written declaration that he had become satisfied of their innocence. But such binding oaths do not exist in our older provinces. The judicial oath is much too commonplace an affair to carry weight, and the people, seeing perjury practised with impunity, become used to it.

Judicial oaths.

The longer we possess any province, the more common and grave does perjury become, and the more difficult to deal with. In the first instance the most common perjury is that of the strings of witnesses brought on behalf of criminals to make out *alibis* contradict the evidence for the prosecution, or prove the stolen property to be the prisoner's. In the North-West

Perjury.

Provinces prosecutors often exaggerate, or act on conjecture or misapprehension; but a criminal prosecution is seldom founded on direct conspiracy without some foundation. The injured party has not the same strong incentive to obtain a conviction that the defendant has to effect his escape. But in Bengal a still more frightful evil has arisen, which not only endangers the innocent, but by throwing a doubt on the very foundations of the judicial system immensely increases the difficulty and danger of convicting the guilty. There seems to be no doubt that the wily and unscrupulous Bengalees have discovered that the very same means which enable the guilty to escape, also facilitate the conviction of the innocent, and that they try to turn the criminal courts into instruments of private vengeance. There the question is not only *who* committed the crime, but whether it ever was committed at all,—and the best evidence is often the most suspicious. Great Zemeendars carry on feuds by prosecutions and cross-prosecutions in the criminal court against the dependants of those opposed to them, and the most serious cases sometimes turn out to be entirely trumped up. I had no idea of the frequency of such things till I found them to be of common occurrence in a Bengal district; and so far was it carried, that even Christian indigo planters wrote to the magistrate accusing one another of procuring murder and many other crimes.

From all that has been said, my first assertion will not be deemed surprising—that violent crime has not decreased as might have been hoped; that it is most rife in our oldest possessions, and many times more common near Calcutta than near Lahore. Our criminal system has many good points; but it is necessary to deal with crime with a stronger hand.

Results of our criminal system.

I have reserved to this place a review of the statistical results of our criminal administration, as shown in the returns of crime, trial, and punishment. It is very difficult accurately to compare the criminal statistics

of different countries and places, from the immense variety of classification of which the subject admits; so that, generally speaking, no two statements are in any degree parallel. The comparisons usually drawn from the total number of offences and offenders, as, for instance, between India and different European countries, are on this account apt to be fallacious. It is even very difficult to compare the results shown in different parts of India, on account of the want of uniformity of system, and more especially of the difference in the forms in which the statements from the different presidencies are drawn up. And the practice is so little settled that, even when the same forms are used, they are differently understood in different districts, and the most extravagant discrepancies are exhibited. For instance, in Bengal proper, in 28 districts there is not a single case classed under "false imprisonment:" in one, that of Mymensing, there are no less than 3676 cases so classed. But this difference is chiefly remarkable in the minor offences, and we shall best obtain a comparison by classifying under large heads the most remarkable crimes, the tribunals, and the sentences. It has been a work of considerable labour to obtain (by analysing and comparing the elements of statements in widely different forms) the following results; but I hope that they will show pretty simply and clearly the main facts, and enable us to make the necessary comparisons.

Statistical tables of crime, &c.

The annexed statements exhibit the detail of crimes and offences ascertained to have occurred in the several presidencies in the year 1848, the numbers of persons charged, the mode in which they were dealt with, and the detail of punishment inflicted. I have only one half-year's statement for Madras, and have therefore doubled it, to show a whole year, for the purpose of comparison.

In regard to the statements of crime, the following general remarks may be made:—

Serious breaches of the peace are pretty accurately reported and ascertained; but it is not attempted to record more in regard to petty misdemeanors than the number of such offences of which complaints were lodged and entertained. The number of perjuries, forgeries, &c., is likewise only that of cases which went to trial. Of the two great classes of offences against property—those with and those without violence—it is only in the former that we can pretend to considerable accuracy in the report of the number of occurrences. These violent offences are the crimes to guard against which is the first and chief duty of the police; and I think that most of these cases come under their cognizance, and that we have pretty accurate returns regarding them. It is in this class of crimes that a comparison of different provinces and systems is most important and interesting. The class of thefts, &c., without violence, is much more numerous, and is, in the aggregate, of hardly inferior importance: but then we do not pretend that the police are yet efficient to cope with this last class of crime; and indeed we have seen that the law has taken from them the power of interference in most of these cases, except on the application of private prosecutors. Neither, then, are the returns of the class of cases without violence always sufficiently accurate, nor, if accurate, would the result be a test of the efficiency of the police. On the contrary, as the first step towards suppressing crime is to obtain an accurate knowledge of its existence, I think that, generally speaking, in the present state of the Indian police, those districts are most efficiently managed in which the largest number of simple thefts are reported—showing the best machinery for ascertaining these occurrences, and the greatest confidence on the part of the people who report them. Burglaries are generally reported, because the hole in the wall makes the fact patent; but it is only where there

is the best police that we have a good account of simple thefts.

General apportionment of crimes and punishment.

In the statements of criminal trials, I have not attempted to distinguish the numbers who are tried for each offence, because this would involve (in the form in which they are at present reported) too much detail; but the detail of crimes will give a pretty accurate notion of the nature of the most common charges, and the detail of punishments will pretty clearly show the class of offences in which convictions were had. The sentences of death and transportation for life are generally for murder. Imprisonment exceeding three years is for the most part awarded for the violent and more serious offences against property. Imprisonment for three years and under is, in the majority of cases, for crimes against property without violence, and also includes a number of convictions for considerable assaults, affrays, and other misdemeanors. Flogging is invariably for petty theft; and fines are for minor misdemeanors. With these explanations I proceed to the figured statements which here follow:—

I.—CRIMES REPORTED in 1848.

In both Divisions of the Bengal Presidency.

	NATURE OF CRIME.	Bengal Propet.	N. W. Provinces.
Serious Crimes against the Person.	Murder:—		
	By Thugs	...	1
	Other cases	318	298
	Wounding with intent to murder	24	33
	Criminal homicide	180	244
	Affray with homicide	25	60
	Affray with wounding, or serious injury	15	123
	Assault with wounding	504	716
	Rape	86	69
	Adultery	4	17
	Child-stealing, to sell into slavery, &c.	13	48
	Suttee, aiding and abetting	2	2
	Importation of slaves, or sale or purchase of imported slaves	0	1

I.—CRIMES reported in 1848,

In both Divisions of the Bengal Presidency—*continued.*

	NATURE OF CRIME.	Bengal Proper.	N. W. Provinces.
Violent Crimes against Property.	Dacoitee :—		
	With murder	9	3
	With torture	10	0
	With wounding	82	4
	Simple	386	5
	Highway robbery :—		
	With murder	9	3
	With wounding	21	53
	Simple	74	88
	Burglary :—		
	With murder	1	9
	With wounding	22	31
	Theft :—		
	With murder	5	10
	With wounding	18	66
	Of children for sake of ornaments	12	32
	By administering poisonous or stupefying drugs	9	30
	Cattle-stealing :—		
	With murder	1	2
	With wounding	0	8
Without personal violence :—			
	Burglary	13,136	7,296
	Theft	11,258	15,416
	Cattle-stealing		4,066
Receiving stolen or plundered property		107	410
Plundering		1,434	Not stated
Arson		210	157
Coining and uttering		54	26
Forgery		55	79
Perjury		Not stated	94
Smuggling		,,	647
False imprisonment		4,986	Not stated
Offences not included in the foregoing statements		Not stated	23,162

I.—CRIMES reported in 1848—*continued*.

MADRAS.	
Murder	220
Criminal homicide	54
Maiming or wounding	292
Rape	54
Abortion, procuring	42
Child exposure	2
Branding	2
Poisoning	18
Sorcery	2
Suicide, attempt at	52
Proselytism	4
Violent crimes against property:—	
Gang-robbery, attended with or without aggravating circumstances	1324
Murder and robbery	58
Robbery by a single individual	64
Housebreaking:—	
By day	158
By night	3502
Theft	2122
Cattle-stealing, killing, or wounding	892
Arson	304
Fraud (extensive)	140
Forgery	88
Perjury	2
Subornation of forgery or perjury	4

BOMBAY.	
Murder:—	
By Thugs	1
Other cases	167
Criminal homicide	40
Assault with homicide	9
Assault with wounding, &c.	496
Assault, simple	13,241
Rape	76
Adultery	221
Child-stealing	14
Violent crimes against property:—	
Gang-robbery—	
With murder	18
With wounding, &c.	265
Simple	152
Robbery, including burglary, highway robbery, and cattle-stealing—	
With murder	15
With other violence	1910
Theft, with murder	9
Burglary, unaggravated by violence	4429
Theft, ditto	5405
Arson	668
Forgery, or counterfeiting the coin	101
Perjury	130
Treason or rebellion	3
Miscellaneous and petty cases	17,256

DETAIL OF MISCELLANEOUS CASES—BOMBAY.

Abuse of authority	29
Abusive language	9175
Abortion, procuring	68
Attempt at theft	642
Breach of contract	80
Breach of religious law	170
Breaking or destroying boundaries	38
Bribery	190
Conspiracy	152
Concealment of robbery	20
Sitting Dhurna	7
Embezzlement	87
Escape from custody	66
Fraud	322
Failure to furnish security	95
Infraction of police rules	1388
Neglect of duty	1324
Return from banishment	30
Attempt at suicide	14
Using false weights	203
Not included in the above	3153

II.—COMPARATIVE STATEMENT of Serious Crimes in different Presidencies and of Criminals in England.

	Number of Offences reported.				Number of Offenders committed for Trial in England.
	Bengal.	N. W. Provinces.	Madras.	Bombay.	
Area in square miles	113,702	71,972	144,889	57,405	57,812
Population	36,848,981	23,199,668	16,339,426	8,151,048	17,922,768
Murder*	318	299	220	168	52
Criminal homicides not amounting to murder	205	304	54	49	192
Riots, affrays, and assaults with serious wounding	546	839	292	496	590
Rape	86	69	54	76	159
Total serious breaches of peace	1,155	1,511	620	739	993
Dacoitee, or gang-robbery	487	12	1,324	435	319
Highway robbery, &c.	104	146	122		
Burglary or theft by house-breaking, with personal violence	23	40	Not separately stated	1,934	1446 including all burglars and housebreakers.
Theft, with personal violence	33	138	,,		
Total crimes against property, committed with violence	647	336	1,446	2,369	1,906
Burglary or theft by house-breaking without violence	13,136	7,296	3,660	4,429	Included above
Simple theft, including cattle-stealing	11,258	19,482	3,014	5,405	19,390
Total crimes against property, without violence	24,394	26,778	6,674	9,834	19,390
Arson	210	157	304	668	174
Coining and uttering	54	26	Not stated	101	57
Forgery	55	79	88		175
Perjury	Not stated	94	2	130	57

* Exclusive of murders combined with other crimes, which are as follows:—

Bengal	25	Madras	58
N. W. Provinces	27	Bombay	42

III.—STATEMENT showing the Operations of the Criminal Courts in the several Presidencies for One Year.

BENGAL.

TRIALS.

Tried by	Persons Accused.	Acquitted Unconditionally.	Ordered to find Security.	Convicted.	Committed or Referred.	Pending.
The Magistrate and his assistants	100,980	85,628	1,932	57,431	3,663	2,336
Sessions Judges	4,118	1,361	..	1,839	535	383
Sudder Court	583	149	..	420	..	14
Total	105,671	37,138	1,932	59,680	4,198	2,733

PUNISHMENTS.

Death.	Transportation for Life.	Imprisonment for				Flogged.	Fined.	Dismissed from Office.
		Life.	10 to 7 years.	7 to 3 years.	3 years and under.			
15	105	17	779	851	17,950	998	36,453	2,199

N. W. PROVINCES.

TRIALS.

Tried by	Persons Accused.	Acquitted Unconditionally.	Ordered to find Security.	Convicted.	Committed or Referred.	Pending.
The Magistrate and his assistants	77,457	29,105	2,436	40,819	3,661	1,434
Sessions Judges	4,021	940	..	2,112	502	467
Sudder Court	426	27	..	376	..	23
Total	81,904	30,072	2,436	43,307	4,163	1,914

PUNISHMENTS.

Death.	Transportation for Life.	Imprisonment for			Flogged.	Fined.	Dismissed from Office.
		21 to 7 years.	7 to 3 years.	3 years and under.			
100	165	579	1,185	14,678	1,445	22,621	2,077

III.—STATEMENT showing the Operations of the Criminal Courts in the several Presidencies for One Year—*continued.*

MADRAS.

TRIALS.

Tried by	Persons Accused.	Acquitted or Discharged.	Ordered to find Security.	Convicted.	Committed or Referred.	Pending.
Village Police	11,536	5,338	..	6,086	..	Not stated
District Police	122,850	86,758	..	36,292	..	,,
Magistracy	9,854	6,430	..	3,342	..	,,
Subordinate Judges	7,360	2,428	348	1,922	2,070	,,
Sessions Judges	2,070	996	126	796	122	,,
Sudder Court	344	118	6	212	..	,,
Total	153,514	102,068	480	47,650	2,092	..

PUNISHMENTS.

Death.	Transportation for Life.	Imprisonment for			Flogged.	Fined.	Confined in Stocks.	Confined in Village Choultry.
		Life.	14 to 7 years.	Under 7 years.				
32	38	10	258	3,738	618	28,782	1,814	13,310

BOMBAY.

TRIALS.

Tried by	Persons Accused.	Acquitted.	Ordered to find Security.	Punished.	Committed or Referred.	Pending.
Village and District Police	72,352	35,759	..	27,935	..	985
Magistracy			1,228	4,042	2,404	
Sessions Judges	2,575	954	..	1,268	224	129
Sudder Court	224	26	..	198	..	..
Total	75,151	36,739	1,228	33,443	2,628	1,114

PUNISHMENTS.

Death.	Transportation for Life.	Imprisonment for			Flogged.	Imprisonment under 3 months, and fined.
		14 to 7 years.	7 to 3 years.	3 years to 3 months.		
41	99	13	359	2,103	196	30,596

IV.—COMPARATIVE VIEW of the Criminal Results in the different Presidencies and in the Superior Courts of England for One Year.

TRIALS.

	Persons Accused.	Acquitted or Discharged.	Ordered to find Security.	Convicted.	Committed or Referred.	Pending at the end of the Year.
Bengal	105,671	37,138	1,932	59,680	4,198	2,733
N. W. Provinces	81,904	30,072	2,436	43,307	4,163	1,914
Madras	153,514	102,068	480	47,650	2,092	Not stated
Bombay	75,151	36,739	1,228	33,443	2,628	1,114
England (in Superior Courts only)	26,813	6,238	..	20,537	..	Not stated

PUNISHMENTS.

	Bengal.	N. W. Provinces.	Madras.	Bombay.	England, (in the Superior Courts).
Death	15	100	32	41	6
Transportation, or imprisonment for life	122	165	38	99	108
Imprisonment for 7 years and upwards	779	579	258	13	2,503
7 to 3 years	851	1,185	2,738	350	551
3 years and under	17,950	14,678		2,103 (3 months and upwards)	17,051
Flogged	998	1,445	618	196	
Fined	36,453	22,621	28,782	30,596 (including imprisonment less than 3 months)	No returns from inferior Courts.

V.—STATEMENT showing the Number and Result of Appeals preferred from the orders of the Magistracy to the Sessions Judges for the year 1849.

	Appeals in Regular Trials.			Appeals from Miscellaneous Orders.			Percentage of Sentences and Orders upheld.	Percentage reversed or modified.
	Number preferred.	Number of Sentences upheld.	Number reversed or modified.	Number preferred.	Number of Orders upheld.	Number reversed or modified.		
Bengal . .	5,112	3,342	1,770	3,137	1,964	1,173	65	35
N.W. Provinces	2,905	2,064	841	1,761	1,277	484	72	28
Bombay . .	929	720	209	. .	. .	. .	71	29

I am afraid that these statements confirm what I have already stated, the fact that our criminal administration is not successful in its main or rather sole end and object, the suppression of crime. It is but a negative good that the most liberal measure of justice is insured to all who are accused, and that none have to fear that the criminal courts should be used by a tyrannical government as an instrument of severity. We gain nothing if those who themselves exercise a sufficient measure of diligence are not protected from violence and plunder. It must, in fact, be admitted, that serious crimes against property are very prevalent, and that it is so, is explained by the fact that the number of convictions and punishments for such crimes is small in proportion to the number of offences, showing that the chances of escape are so great as to make robbery and theft profitable trades.

Unsatisfactory conclusion drawn from statements.

But while we admit that violent crime is more prevalent in India than in England, and much more common than it ought to be, it is not to be supposed that the state of things is really in most districts so *very* bad as is represented by the Calcutta newspapers. Their statements in regard to the police results are not so wholly without foundation as those respecting the judicial proceedings of the criminal courts, and a belief in the *excessive* prevalence of crime

and corruption has also been much more widely spread by two or three highly respectable organs which have commented with honest emphasis on the subject. But it is to be observed, first, that the statistical returns clearly show the facts to be very much over-rated; second, that such as they are, the facts stated have reference not to all India, but to Bengal Proper; and third, that of Bengal Proper the greater number of the most serious crimes are confined to the six or eight districts immediately around Calcutta. We must take a larger view of the subject. It will appear that there is a wide difference in the results shown by different Presidencies. In Southern India there is no thoroughly organised police, properly so called, and the result is bad; in the North-West Provinces a very respectable degree of success has been attained; in Bengal Proper there is great cause for apprehension as to the ultimate result. I shall notice successively the different classes of crimes as shown in the statements for each Presidency. I am unable to obtain a statement of the number of "offences reported" in England. The parliamentary returns are of offenders committed for trial; and I therefore take this statement as the nearest approach to a ground of comparison, and have entered it in a column parallel to the Indian Presidencies in the comparative statements. Supposing that the cases in which more than one offender is committed counterbalance those in which none are discovered, the number of offenders may be pretty near what that of offences would be.

But wide difference in different parts of the country.

First, then, as to serious crimes against the person.

Murders are, I believe, considerably more numerous in India, in proportion to the population, than in England, and so we may conclude from the comparative statements. But I have before stated (p. 108), that crimes of the nature of *assassinations*

Crimes against the person—murders.

(as we understand the word in its more limited sense) fortunately were never very common; and I think I may say—at least as regards the parts of India of which I have experience—that but a very small proportion of the murders are of this nature; I mean, deliberate murders of obnoxious persons, not prompted by sudden passion, women, or the wish to rob. The great majority of murders are of a domestic description, generally the result of passion or wounded pride; and in most cases there is a woman in the matter. The most common executions are those of husbands for the murder of wives, who are, or are supposed to be, no better than they should be, or of persons suspected of being too intimate with them. These cases then are not so much a question of police as of social habits; there is no preventing them. There is often little attempt at concealment, and the only course is to give a sufficient judicial remedy in the first instance to the party who considers himself injured, that he may have no pretext for taking the law into his own hands. Although we retain the law which makes adultery and seduction criminal, the feeling of English judges seems to be so much against it that it is little put in force. Indeed, in regard to adultery (which requires a regular committal to the sessions in the same way as murder or forgery) the law has become very much a dead letter, and the construction of the offence of "seduction" is so various, and has been so much restricted, that there is generally little sufficient remedy. I have often been unwillingly compelled to refuse redress to a man who sues for the restoration of his wife and the punishment of the co-eloper, and to whom it seems an inexplicable law that he who steals his bullock is punished as a felon, but he who steals his wife and injures him in a much more tender point retains the prize in triumph. In Bombay only are a number of cases of adultery entered in the statement of trials. Murders by

Domestic murders.

"Thugs" are distinguished in the statements, and it will be seen that this species of crime has been pretty nearly rooted out in all the Presidencies, as but two cases of that nature occur. Child-murder, as it involves concealment of the fact, would not be shown by the reports; and the murder of female infants, at one time common among certain tribes in certain parts of the country, is sometimes represented to be very general in our provinces. But I must say that I doubt the fact. I do not think that it is likely to occur in present prosperous circumstances among large clans, in which there is plenty of room for intermarriages without infringing the rule which prohibits the marriage of blood relations. In fact, except among isolated families claiming peculiar rank, girls are very valuable. And if child-murder did take place to a large extent, many instances must come to light. If ten such cases be ascertained by the magistrate, we may well believe that ninety are concealed; but if none are found out, I should believe in neither ninety nor nine. I have had to do with a considerable Rajpoot population, and have seen nothing of the kind. I am therefore slow to believe speculative people who go into a village pencil in hand, and, because they fancy that they see more boys than girls, calculate and propound that exactly one-half of the female infants of the ordinary agricultural Rajpoots are annually murdered.

Thuggee.

Infanticide.

I do not know any other class of simple murder which calls for particular notice. The murders which occur in prosecution of other crimes are separately entered. As I have said that the punishments of death and transportation for life are for the most part inflicted in murder cases, by turning to the statement No. IV. we may judge of the proportion of convictions to offences. I think that from the character of these crimes the perpetrators are most frequently discovered,

Proportion of convictions for murder to offences.

and it will be seen that there are a great many executions and transportations. In the North-West Provinces there are upwards of 3 punishments to 4 murders, or 265 punishments to 326 murders of different kinds; and in Bombay, also, the proportion is large, viz. as 2 to 3, or 140 punishments to 210 murders. In Bengal Proper it is less, being 137 punishments to 243 murders; and in Madras the result is the least favourable of all, as there appears to be only about 1 conviction to 4 murders, or 70 punishments to 278 murders.

Serious assaults.

The proportion of criminal homicides (parallel to manslaughter) and assaults with serious wounding, is not remarkable, and seems to be on the whole less than in England. The number of these cases is a good deal larger in the North-West Provinces than anywhere else; and this result is principally due to the common practice of carrying very long heavy sticks, bound with iron at the end, which are used for a variety of legitimate purposes, but are most serious weapons when a fight takes place and they are brought round with a swing on a hostile skull. Five-sixths of the manslaughters and broken legs and arms are caused by these blows.

Affrays, &c.

The serious affrays are by no means numerous. In the North-West Provinces a good many cases are so entered in consequence of the accidental use of the sticks to which I have just alluded, but rights are there so well defined that there is little occasion for affray respecting landed property; and in other parts of India they prefer to fight with hard words. I confess to having been misled by the statements of the periodical prints into the belief that prodigious affrays between bands of hired clubmen, maintained by the Zemeendars, were of every day occurrence in Bengal, which the entire absence of any public definition or registration of landed rights and boundaries seemed to render extremely probable; but from

the returns it seems that the number of considerable affrays is (if they are all entered under the proper heading) really small after all, and the opposing armies must generally be content with abusive language and skirmishing, while their employers litigate in the courts. There have been, however, several very bad cases of systematic violence near Calcutta, and it has been found impossible to convict those who were the real authors of the crime, and for whose profit it was perpetrated. They were too well skilled and supported in the legal game.

The number of cases of child-stealing is very small, and is for the most part that of female infants; it is only on rare occasions that it is an object to steal children; but they are not unfrequently carried off for the sake of the ornaments which they wear. It is quite frightful the temptation to crime caused by the universal practice of decking children with gold and silver ornaments. One may see a little creature without a stitch of clothing running about with valuable bangles on its wrists and ankles.

Sattee.

It will be seen that the number of cases in which sattee was attempted is next to nothing; of slave-dealing still smaller.

Violent crimes against property.

I now go to the class of violent crimes against property, which I have already characterised as the most important, and that by which the efficiency of the police is chiefly tested.

Dacoitee,—

Of these by far the most remarkable and most serious is that of Dacoitee, such as I have formerly described it. It seems, indeed, almost peculiar to India, being open plunder by armed bands, and yet not open resistance to Government, the bands collecting at night and disappearing in the daytime in a way which can only be effected under very peculiar circumstances. It is much to be regretted that, in the greater part of our Indian possessions, we have by no means succeeded in

putting down this crime, nor do we appear to be at all progressing towards its complete suppression. It will be seen that the number of cases is very large; but there is a very great disproportion in regard to this crime in the different Presidencies. In the North-West Provinces it may be said to be almost entirely suppressed. The statement shows only twelve cases of the kind in the whole year, of which six were in the Benares division, three in Allahabad, and there were but three in all the twenty districts to the north of the latter division. The tribes who made dacoitee in its most serious form their exclusive profession have been rooted out, and the police have got the better of the ordinary village Dacoits. This is an extremely satisfactory result, and a great blessing to the country.

in the North-West Provinces;

From the Calcutta papers one might suppose that in Bengal every wealthy man is knocked up in the night, tortured, and plundered about once a-week. Things are not *quite* so bad as that, but dacoitees are in some districts lamentably frequent; and, what is worse, they have been increasing of late years, and the perpetrators are seldom convicted. The crime has always been common in Bengal. The severe laws enacted against it were for a time in a great degree successful. Some twenty years ago there seems to have been a minimum of dacoitee; but the Dacoits have now got the better of the laws, which at first daunted them, and the last police reports distinctly admit the fact of the increase. Dacoitees are not now in almost any instance perpetrated by the professional Dacoits from a distance, but by associated criminals from neighbouring villages. Of the whole number of dacoitees two-thirds seem to have occurred in the half-dozen districts of Hoogly, Burdwan, Nuddeah, Jessore, Midnapore, and twenty-four Pergunnahs lying in a circle round Calcutta. The Superintendent of Police attributes

in Bengal.

the increase, first, to the disorganisation of the village police; and second, to the difficulty of getting judges to convict on reasonable evidence, especially one *additional* judge, who was intrusted with most of the criminal trials in several of the worst districts, and who hardly ever convicted any one, being a mild, timid man, who was always in doubt about everything, and who, in consequence was invariably reduced to the necessity of giving the prisoners the benefit of his doubts. In confirmation of this assertion the Superintendent gives several tabular statements. For instance, one shows that, of fifty-nine prisoners committed on charges of dacoitee to the district judge on what the magistrates believed sufficient evidence, forty-three were convicted, and sixteen acquitted; whereas, of fifty-four prisoners committed by the same magistrates on the same charge, and tried by the additional judge, no less than *fifty-one* were acquitted, and only *three* convicted. The maxim "Judex damnatur cum nocens absolvitur" forcibly applies to such cases. It is, I think, the principal advantage of a jury (where that institution is available) that it relieves the judge of a never-ending responsibility, which is, in fact, too much for most men whose nerves are not unusually strong. And where there is not and cannot be an effective jury, it is quite necessary that Government should exercise a discretion in not putting on the bench timid men.

Dacoitee in Madras.

I have been surprised to find so prodigious a number of gang-robberies in the Madras statements, and should think it hardly possible that the class of crimes included under that head can be so limited as in Bengal, the more so as I do not find any distinction of burglaries and thefts attended with violence. Perhaps the 1324 Madras gang-robberies include a number of cases which in Bengal would be put under other heads. Still, making every allowance, this kind of crime must be pain-

fully prevalent. In Bombay, too, the number of dacoitees in proportion to the territory is excessively large, and the great number of violent crimes entered under another head precludes the explanation which I have hazarded in regard to Madras.

and in Bombay.

I find that in England, in the year 1850, 319 persons were committed for "robbery and attempts to rob by persons armed in company," which seems the nearest parallel to Dacoitee.

Highway robbery is a crime to which there is great exposure and temptation, from the mode of travelling, nature of the roads, &c., and it is surprising that it is not more frequent. There is generally a good deal of it in new territories, but our precautions seem to have been pretty effectual, and it does not now occur to an alarming extent. There are a greater number of these robberies in the statement for the North-West Provinces than in those for Bengal and Madras. There is a larger traffic on the great roads running through the former provinces, but the preventive arrangements have been recently so perfected that I think it will be found that the main roads have now been rendered *perfectly* safe; and there are at present, for the most part, only a few petty cases on bye-roads, which can never be *entirely* guarded against.

Highway robbery.

The Bombay statement lumps together all robberies, burglaries, thefts, &c., attended with personal violence, and the number is great out of all proportion, being no less than 1910—a state of things very much to be deplored.

Robberies, &c., in Bombay.

In the comparative statement of offences (II.) may be seen the whole number of violent crimes against property in each presidency. Very much the smallest number is in the North-West Provinces. In Bengal, notwithstanding the Dacoitees, the number is much smaller than in Bom-

Comparison of violent crimes against property in several presidencies,

bay and Madras, in both of which it is very large indeed. On the other hand, on turning to the comparison of punishments, it appears that, of the sentences which I have stated to be principally applicable to this class of crime, viz. those of imprisonment for terms exceeding three years, the greatest number of such punishments is in the North-West Provinces, viz. 1764; in Bengal the number is not absolutely much less, viz. 1630, but *relatively* it is not half so great. In Madras and Bombay, on the other hand, the proportion of punishments is very much less. In Madras there is no distinction of different sentences under seven years; but of 2738 persons sentenced for seven years and *under*, not more than 600 were tried by tribunals whose powers exceeded three years; so that, if we suppose two-thirds of the 600 to have been above the latter term, we have (with the addition of sentences exceeding seven years) a total of 658 punishments. In Bombay, again, there are but 372 punishments of this class to set against the enormous number of crimes.

and of convictions.

These results are assuredly most unfavourable to the paternal police system of Madras and Bombay. The larger proportion of the very highest class of punishments at Bombay are probably due to the organized police corps; but the village police seems to be, in both the Southern Presidencies, most inefficient for the prevention or detection of violent crime; and so long as hereditary offices are considered "vested rights," I should think that it will continue to be so.

Unfavourable result of system of paternal police.

In England all housebreaking is classed as violent crime, and burglary is no doubt a more serious crime in this country than in India. But, if we except the ordinary burglaries, the proportion of violent crime in England is clearly much less. If we compare, again, punishments of equal terms, the number is greater in England; but transportation for

Comparison with this class of crime in England.

seven years is (to an European) by no means so severe a punishment as imprisonment for that term; and I think that a great many are transported who would not be sentenced to more than two or three years' imprisonment in India. Still I doubt not that there is a larger proportion of convictions to offences in England than in India.

Offences against property without violence.

We next come to offences against property committed without violence—divided into thefts by housebreaking, and thefts without that aggravation. The number of burglaries in Bengal is very great, and it seems to be the principal hardship under which the Bengalee labours that, so far from his house being his castle, it is continually exposed to invasion by open Dacoits or secret burglars. There are also a great many burglaries in the North-West Provinces (and they are there very exactly reported), but not so many as in Bengal. The Madras return shows a much smaller number, but I should doubt their being all reported, seeing that violent crime is so prevalent and the police so inefficient.

Burglary.

Simple thefts.

Of simple thefts much the largest number is reported in the North-West Provinces. This I attribute entirely to the superior efficiency of the police in correctly ascertaining these occurrences. It is not to be supposed that there is really more simple larceny where there is so much less violent crime, where the police is shown to be so much more efficient, and there exists no possible cause for more frequent thefts. The fact is that in the other presidencies the number of simple thefts reported is quite disproportioned to the more serious crime, and is no doubt altogether understated. The Madras statement does not, I fancy, profess to include *petty* thefts in the statement, as they are previously disposed of. Theft is no doubt very common in India, and is, I think, more felt as a serious evil than in England. Travellers

encamped in any open situation must be prodigiously careful, or everything is speedily carried off. Cattle-stealing is also common. I should have supposed the number of thefts to be much greater than in England, but I find that, to 19,482 simple thefts reported in the North-West Provinces, there are 19,390 committals for larceny in England, which would imply that the crime is at least as common in the latter country. The fact I take to be that, while there are many more *professional* thefts in India, there is a much larger proportion of occasional thefts by servants, &c., in England. It is wonderful how seldom servants and others not thieves by profession pilfer in India.

Comparison in regard to larceny between England and India.

The number of cases in which the receivers of stolen property, that most injurious of all classes, have been brought to justice seems disproportionately small, especially in Bengal proper. I by no means understand the large entry under the head of "plundering" in Bengal, as in so old a possession one would suppose that there was not much opportunity for anything of this kind.

Passing downwards in the list of crimes, the next is arson. A good many cases are entered under this head, but fortunately the crime is by no means so common as it might be. The great drought at certain seasons, and common use of thatch, cause a great liability to fires, and many occur. The sufferers sometimes conjecture that their enemies may have done it, and the police enter accordingly as "arson;" but I have wonderfully seldom known the fact of incendiarism established, and have often thought what a blessed thing it is that the crime is not more common; for the facilities for fire-raising being so great, and the enmities of the people being often so violent, if they once got into the habit of incendiarism it would be very difficult or impossible to stop them. We see how far the practice

Arson.

of burning ships, for a comparatively small object, has been carried by the native sailors.

Coining is, I am afraid, far from uncommon. A great many bad rupees are in circulation, and the coiners make them with great skill in very rough instruments. Coining.

Forgery has become very common in the civil courts, and the prosecutions are not so numerous as they ought to be, and would be were it not for the extreme difficulty of making the truth sufficiently clear at a sessions trial. Prosecutions for forgery seem to be in nearly the same proportion as in England. In India forgery is principally confined to legal instruments, and seldom occurs in private commercial transactions. Forgery.

Perjury is unfortunately too common a crime; but, from reasons to which I have already alluded, the prosecutions are comparatively very few —hardly more frequent than in England—perhaps less frequent than they are becoming in this country, now that people are required to swear to their statements or misstatements. Perjury.

In the North-West Provinces there are a good many prosecutions for smuggling salt. Smuggling.

I have already alluded to the variety and nature of the miscellaneous offences, and know not that farther comment is required. Some of the definitions of these offences returned from particular districts are ludicrous enough. I see that the Madras Sudder Court includes "sorcery" among the more serious crimes; and in the Bombay statements I find, among the smaller misdemeanors, "playing native music without a licence." I do not know whether we are to infer that the judicial fathers of Madras believe in witchcraft, and that those of Bombay class music among forbidden luxuries.

Taken altogether I think then that the statements of

crime show very great room for improvement. They prove that in the North-West Provinces the criminal administration is tolerable, but that in Bengal, Madras, and Bombay it is decidedly unsuccessful.

Summary of police results.

Having disposed then of the police results as shown in statements I., II., and IV., I come to the judicial statements contained in Nos. III., IV., and V.

Judicial statements (criminal).

It will be seen that the judicial agency in criminal matters is in fact widely different in Bengal from that employed in Madras and Bombay, inasmuch as in the latter presidencies the great majority of cases are disposed of by the police, while in the former all must come before the magistrate. Hence a much larger number of petty complaints are heard and adjudicated in Madras and Bombay; and although it is hardly desirable that every old woman's quarrel should be a subject of judicial investigation, or that judicial powers should be intrusted to persons too far down in the scale, still it is no doubt better that these cases should be decided in this way, than that so great obstacles should be thrown in the way of petty complaints as has been the case in Bengal.

Different agency in different presidencies.

That the vesting the hereditary village officers with civil and criminal powers is not successful, seems apparent from the large proportion of instances in which these powers are not at all exercised; but the district police must be very useful in a judicial capacity.

Judicial decisions of the police in the south.

In Madras it will be seen that 11,536 persons were summoned before the village officers, of whom rather more than half were convicted and punished with confinement in choultry or stocks. The proceedings are in these cases verbal, and the village officer only reports a list of cases and sentences. Of 6086 persons punished, 2308 were for

petty assaults and affrays, and 865 for petty thefts. By far the greater number of cases were decided by the district police, involving 122,850 persons, of whom about five-sevenths were acquitted; and of the remainder 25,942 were fined, 9038 imprisoned, and 312 flogged. From the nature of the punishments, we may conclude that the majority were fined for petty misdemeanours. In Bombay the district police, having much enlarged powers, record their proceedings in regular form.

Judicial decisions of the magistrates,

In Madras the number of offenders tried by the magistracy is but 9854, and the acquittals are double the number of the convictions. But in Bengal and Agra the numbers tried by this class of officers are very large (100,980 and 77,457), and the convictions are considerably more numerous than the acquittals. The numbers committed for trial before the superior courts seem not much out of proportion in the different presidencies, except Madras. In Madras the proportion of acquittals seems to be much greater at every stage than in any other presidency—a circumstance which is not at all accounted for.

and of the superior tribunals.

The following is a comparative statement of the percentage of the numbers convicted, committed, acquitted, &c.

Comparison of convictions and acquittals.

	Convicted, per cent.	Committed, per cent.	Security, per cent.	Acquitted, per cent.
Bengal . . .	58	4	2	36
N. W. Provinces .	54	5	3	38
Madras . . .	31	1½	½	67
Bombay . . .	44	4	2	50

The latter part of statement No. IV. shows at one view the different punishments.

In capital punishments there is considerable dispropor-

tion, the number of executions being much larger in the North-West Provinces than anywhere else. There are no less than 100 executions in those provinces to 6 in England. I have no doubt that the executed all abundantly deserved their fate; yet the object of these inflictions is not punishment, but prevention; and if transportation be equally effectual to deter, the only argument in favour of executions is their greater cheapness. I do not think that we ought to take upon ourselves the use of such a fearful and unknown punishment as death when it can be avoided. We should only shed blood in self-defence; and as transportation has to the natives of India, I really think, much greater terror than death, I feel a great repugnance to executions when transportation would answer the purpose of prevention still better—especially in the case of domestic murders under the influence of passions for which human nature is some excuse. We are not such inspired ministers of justice that we should take away life while we can deter others from murdering, and yet save the murderer in another country to be disposed of as Heaven shall decree.

Capital punishments.

Sentence of transportation is never passed except for life, for this reason, that, if prisoners were to return, the punishment would lose the greater portion of its terrors.

Other punishments.

Although the fines are numerous, they are very small in amount. Very few large fines are inflicted, and the revenue derived from this source is inconsiderable.

Statement No. V. shows the number of appeals preferred from the orders of the magistracy to the sessions judges. The result must be considered very unfavourable, as showing a large proportion of orders reversed or modified on appeal, and tending very much to weaken the effect of criminal justice.

Appeals.

The right of appeal is very necessary, and cannot be dis-

pensed with; but I would intrust an appellate jurisdiction only to officers of undoubted discretion, and of a rank very much superior to those whose decisions are appealed to them. It does not do to have in every district a magistrate in one room to pass orders, and a judge in the next to upset them—as is continually the case in India.

Punjab police, &c.

I have no general criminal statements for the Punjab, as 1849 was a broken year, and the reports for 1850 were not available when I left India. I can therefore only speak generally from my own personal knowledge. The country is very quiet, more so I have no doubt than any part of India except the North-West Provinces, but it has not hitherto been so free from violent crime as the latter territory. We found some serious crime, which it takes a little time to suppress. I do not speak of the hostile outrages of the hill tribes in the country beyond the Indus; those are foreign to my present subject. East of the Indus, the crimes which have occurred in the Punjab are such as have been much more generally known in our older territories. I think there is no crime peculiar to that part of the country. There is the usual proportion of thefts, ordinary murders, &c. &c. Serious affrays have been of very rare occurrence. The crimes, most to be guarded against, which have occasionally occurred, are three—murder of the nature of Thuggee, Dacoitee, and highway robbery.

The most serious crimes.

Thuggee.

The Thuggee cases have been already alluded to in the English papers. During the latter part of my service in India I had charge of this department, in addition to other duties, so have a knowledge of the facts. The Punjab Thugs were not a regularly affiliated branch of the profession which was till lately spread over the whole of India, nor had attained such professional skill; but still they had done a great deal of harm, and it is fortunate that they were checked in

time. They had principally carried on their operations within a hundred miles on either side of the Sutlej in the time of the Sikh Government, when the jurisdictions on the left bank of the river were very much intermixed, and a great many soldiers of the Sikh army crossed on their way to their homes with considerable sums of money—the plunder of the state—in their possession. It was known that a number of roadside murders of such travellers had occurred, but there was (in the protected states at least) no general government or police, and no sufficient measures had been adopted. The Lahore Government seem to have handled rather roughly some of the Thugs on their side, but they emigrated and took refuge in the petty jurisdictions on the left bank.

Soon after the country came into our possession some very mysterious murders occurred, and for some time the murderers baffled all attempts at detection. But at last a clue was obtained in a particular case, a murderer confessed, and then it all came out that the whole of these murders were the work of a particular set of men, generally of the lowest caste, who had become habituated to the work, and acquired a good deal of artistic skill. A detachment of the organised Thuggee police was sent up to assist in tracing the matter; the system of approvers, &c. was adopted; and the result has been the conviction of a large number of the criminals. The number of cases which have lately occurred is in consequence very small; but a few of the Thugs who were driven from their haunts between Sirhind and Lahore seem latterly to have made their appearance to the westward of the latter place. It was still necessary (a year ago) to push farther forward the Thuggee police.

Up to October 1850, 69 Thugs had been convicted and sentenced. In 1850 (up to October) five murders, which seemed to be of this description, had been reported.

The Dacoitees in the Punjab have been few in number, —compared to the number in Bengal, &c., a mere trifle—perhaps altogether 20 or 30 in a year (I have no particulars of the southern and western districts); but when they do occur they are among that people serious affairs, as the Dacoits must be prepared for resistance, and there is generally pretty severe fighting on both sides and considerable bloodshed, so that three or four such cases occurring in a year in any one district is considered a very bad result by men accustomed to the North-West Provinces. The worst cases have been about Amritser and Lahore, in the Mangha Sikh country, and the perpetrators are generally men accustomed to arms, out of employment, and such as do not condescend to petty crime, sturdy fellows who think nothing of appointing a meeting forty or fifty miles off, and returning without a halt after it has come off. There are no professional Dacoits, properly so called. The police have been successful in discovering and bringing to justice most of the perpetrators, as they are yet unskilled in the law, and, when it is pretty clear against them, often foolishly confess. Especially at Amritser, some very severe examples have been made, and I have no doubt that the crime is already, or shortly will be, effectually crushed and suppressed. Dacoitee.

Highway robberies have been, I am afraid, a good deal more frequent, and this is the crime with which it has been most difficult to deal. The passenger traffic on the main roads between the Punjab and Hindostan is at present enormous, the roads are not yet properly marked out, and long portions of them lie through a jungly country in the dry little cultivated tracts bordering on the desert, and between the Punjab rivers. The facilities and temptations to highway robbery, always great, were under these circumstances much more so, and there were about the country a great Highway robbery and insecurity of roads.

many loose desperadoes. Detection proved to be much more difficult where two or three people stripped a single traveller who could make no resistance, and were off into the jungle in a few minutes, than when there were large gangs of robbers, and the injured parties had local habitations and local connections. In fact, it must be admitted that the police were not at all successful with this class of cases. Till the lines of road were settled it was impossible to adopt efficient preventive measures; and I had for years parties stationed under trees, or in temporary sheds on the old roads winding through the jungle, in every-day expectation of the marking out of a new road, to which an engineer officer had been appointed, but which the Government had then no money to carry on. I believe that the work is now commenced in earnest, and a very strong preventive police has been established on the roads; so I hope that they have now become pretty secure.

Want of road between Hindostan and the Punjab,

There is no public work more necessary at present than the making a great and good road between Hindostan and the Punjab, in continuation of the grand trunk-road which runs up to Dehli; and I really think that there would be no so good opportunity for trying a railway. Whether it would pay I cannot say. There is no doubt that every one would go by it if carried cheap enough; but the fares must be in proportion to the price of labour and value of money, and infinitely less than in this country. If railways are made in India, it must be by Government (the less it hampers itself with jobbing, troublesome companies the better), and to Government the rail would pay over and over again in the immense advantage of a communication for troops, stores, and everything else between its resources in Hindostan and the frontier army in the Punjab, the procuring of carriage for which is at present one of the greatest difficulties and

and suggestion for a railroad.

hardships that can be conceived. The strongest argument is this, that if we had a road already made there might be a question, but, since we have as yet spent nothing on a road, it would be better to devote the money to a rail which may pay and which is so much more useful, than to a road which certainly does not pay. In a perfectly flat country all the bridging, &c. &c., is just as expensive for a road as a rail, and laying down rails once for all cannot cost so very much more than continually laying down metal, an enormously expensive article in the plains of India. From Dehli to Lahore would be under 300 miles, over a perfect flat, particularly free from rivers and inundations (the Sutlej is in fact the only perennial stream), in which there is no water conveyance and a very deficient supply of land-carriage, a very much larger Government traffic than anywhere else, and I am sure as large a passenger traffic as anywhere in India, the whole of which would be concentrated in a single line of road. Nowhere could a rail be made so cheap, and nowhere would it be so useful. It would, in fact, bring the Punjab for our purposes within the desert, while we retain the advantage of its revenue and of its mountain boundary; and there would be no highway robberies, for that is the point from which I started. The first money we can save should certainly be devoted to this object.

But I have wandered from the Punjab police, and must return to it to notice a point which I consider of great importance in reference to a class to which is traced most of the heinous crime.

The low outcast class is numerous in the Punjab, and they are a particularly hardy, daring race. In the Jat villages they occupy a position altogether inferior and serfish, but the original Sikhs, who disregarded divisions of caste, distinctly admitted into their ranks such of them as chose to become

The most common class of criminals;

Sikhs. Many had in consequence in this character adopted the profession of arms, and they were constantly entertained by Sikh chiefs, especially for desperate services, which required a reckless obedience. They were, in fact, the best mercenary soldiers in India, and it is impossible to imagine a class more suited to our service; they were the very men for regular troops, would have been devoted to us, and faithful to their pay—with nothing to look to beyond our service and no pride, but plenty of bravery and habits of subordination—and it would have been consonant to our Christian principles to give an opportunity of rising to respectability in our service to others of a class hitherto degraded. But it is our system to be more Hindoo than the Hindoos; the old notions still prevail in the head-quarters of the Bengal army, fanciful ideas that men of good birth and family make the best soldiers, and that high-caste men are not to be contaminated by the vicinity of low-caste men, for which there is, in fact, little foundation. Of course the high-caste men prefer to have a monopoly of the service if they can, but in any other department, where high caste is not so much appreciated, they never hesitate about taking a place to inquire the caste of their fellows; and, in reality, I believe that the high-caste men are much the worst regular soldiers, and that to this cause is principally due the mutinies and relaxation of discipline which have of late years appeared in the Bengal army. Ask the commanding officer of an English regiment which recruit he would prefer, an able-bodied labourer or a broken-down gentleman? However, the prejudice in favour of high-caste men prevails, and the system of a false centralisation is carried so far in the army that no discretion whatever is allowed to commanding officers. Descriptive rolls of every recruit are sent up to head-quarters, and, if the caste is at all questionable or new, down comes an order to say that the Commander-in-Chief

whom we refuse to employ,

has doubts about the purity of this man's caste, and therefore desires that he be forthwith paid up and discharged.* The consequence of this system is, that these low-caste men can get no employment in our service; and they have not, like the Jat-Sikh soldiers, a place in their own villages to fall back into. The Jat Sikhs take at once to agriculture, and give no trouble. Dacoitee is really almost the only crime in which they ever engage. But the low-caste men out of employ have no resource; they are naturally unwilling to return to a degraded position in their native places, and, being denied our service, they not unnaturally betake themselves to the crime for which their courage and despair so well fit them. Almost all the Thugs were of this caste; they commit the greater number of the highway robberies, burglaries, and other violent crimes, and have a large part in the Dacoitees. The first step towards a suppression of crime is to admit these men to honest employment.

and who are in consequence driven to crime.

The whole of the Punjab police is now formed on the model of that in the North-West Provinces, and I do not remember any other circumstances connected with its working necessary to be here dwelt upon.

I have, I think, in the course of this chapter referred to all the different causes of the admitted general want of the success which might have been hoped for in our criminal administration, but it may be well here to sum them up briefly in one view.

They are, first, the causes which we found in existence, the nature of the country, the character and the habits of the people; second, the causes connected with our system, which are as follows:—

Summary of reasons of unfavourable result.

* *Feb.* 2.—I see in to-day's paper a paragraph about the Commander-in-Chief's being forced by the sepoys to dismiss fifteen low-caste men—an unpleasant state of things in more ways than one if it be true.

1. The great personal freedom enjoyed by all classes.

2. The abandonment or practical weakening of the system of village responsibility.

3. The want of permanence in the magistrates, every day changed, and every day changing those beneath them; and generally wanting that local knowledge so necessary to the establishment of a good police.

4. The want of a good and well-organised native police profession.

5. The want of a detective system.

6. The incompleteness of the criminal law, opening a door to legal uncertainties and quibbles.

7. The rules of evidence, which would be very good in this country, but in India render it difficult to contend with fair and unbiassed evidence against unfair and biassed evidence, especially as between Government and private parties, where one side is impartial and the other altogether unscrupulous. It may, in fact, be necessary to counterbalance unfair arts by fair influence and exertion, in order to elicit the truth from unwilling, indifferent, or intimidated witnesses.

8. The forms and rules of trial. In England, a free country, formerly menaced by tyranny in judicial form, and where criminals are sufficiently opposed by public opinion and public effort, the object of all these rules has been solely to protect the innocent against the Government, and English rules have been imitated in India, where the state of things is quite different, where the Government is avowedly absolute, and at the same time cannot be suspected of any designed injustice or wish to make judicial tribunals the instruments of political oppression.* The object of

* I am sure that no rational person who knows anything about the matter really suspects the Indian Government of misconduct of this kind. The editors of Indian papers certainly do not, although it has suited them for a consideration to make an interested outcry in Jotee Pershad's behalf. They are always willing enough to side against Government, but, in the instance

our Indian judicial rules should be, not only to protect the innocent, but also to insure the punishment of the guilty.

9. The character of the judges.

Altogether the accomplished criminal who is brought to justice must indeed be born under a most unlucky star, since he has so many chances of escape. To begin with, he is probably not caught; if caught, he may baffle or perhaps bribe the police; if the police send him in, he may bribe or intimidate the witnesses, and has a chance before the magistrate; if the magistrate commit him, he has ample opportunity for all kinds of contrivances, and a much better chance before the judge; if the judge convicts him, he appeals to the Sudder. It is hard if some doubt, contradiction, or difference of opinion cannot be found or created in all these many stages, and amid so much false, uncertain, and inaccurate evidence, and such doubtful law.

The criminal code of the Law Commission.

In connection with the criminal law I must refer to the proceedings of the Law Commission, because it has been to this subject that the labours of that body have been almost entirely directed. The Commission has published a code of criminal law, commonly called Macaulay's code, several reports and comments on the aforesaid code, and, finally, a rough sketch of a code of procedure for administering the code of law. It is now understood to be engaged in emending the code, with a view to its adoption.

I think that the Commission was unfortunate in its first subject. The criminal law, though imperfect, was more suitable than most parts of our system, and it was the system of civil and criminal procedure which it was most urgently necessary to regulate. It will be seen that the

alluded to, they must undoubtedly have been stimulated by bribes, because the popular opinion in every Indian cantonment ran *very* strong against the Commissariat, and they wrote in the teeth of the feeling of the great majority of their subscribers. The accused was rich, in danger, and ready with his money.

evils of our criminal system result more from the form of the process than from want of laws for punishment of the most serious crimes when proved; and in the civil courts, a new code of procedure was still more necessary. Still a systematization of the criminal laws would be a great good, necessary in the second degree. In regard to what has been done, I think that the excellence of Macaulay's code is doubtful; it seems to have attempted too much at first; it goes on the principle of sweeping away all that exists and commencing *de novo*. The codification may be good in its way, and the illustrations seem very useful, but the ancient order of things, in the classification of crimes, seems to be too rudely interfered with; for instance, "burglary with violence" has hitherto been one crime. In the code it is three—trespass, theft, and assault; and the punishment is "cumulative." I doubt the philosophical correctness of this system. The crime alluded to is no more the sum of these three items than the number 999 is the sum of three nines. And, moreover, it may be that by too minute analyzation we get a greater complication than by keeping in our list well-known compounds. We all know what water is, but, if reference were made to a certain compound of hydrogen and several other difficult substances, we might be somewhat puzzled. I would by all means *compress* and *codify*, but would not over-refine. We do not want to achieve slowly something which will be a model to the civilized world, but to get *quickly* something which may be put into immediate and easy operation in India. In fact, it seems that, in attempting so refined a system, there were in the first instance many omissions and imperfections; and, what is no less important, the difficulty of bringing it home to the comprehensions of those who were to administer it would have been very great. One thing, which has gone far to convince me of this latter difficulty, is the absolute impracticability of translating it

into Hindostanee. A translation has been lately made by a most accomplished scholar, but only by the use of a mass of abstruse Arabic words, found or coined for the occasion, such as no ordinary Hindostanee can understand; and I admit that I was fairly puzzled by the code in Oriental garb.

The punishments of the code (when one can identify the crimes) seem to correspond pretty nearly with those awarded to the same crimes by the present regulations; but it is a very difficult thing to recognise our old friends in their new garbs. The abolition of the punishment for seduction and such crimes was altogether a step in the wrong direction. Perhaps it would have been better or easier in the first instance merely to have classified, systematised, consolidated, and completed the existing criminal law, and to have furnished good rules of procedure. Something practical would then, at least, have been done; whereas all the labour bestowed has unfortunately as yet yielded nothing. The result of the present revision of Macaulay's code remains to be seen.

The proposed rules of procedure, published by Macaulay's successors, would be positively injurious. They are drawn up by men who follow their own ideas of justice, without regard to the circumstances of Indian society; for instance, the power of cross-examining the criminal is taken away. Republican America is quoted as an example for absolute Hindostan. The magistrate is to have a fixed set of questions, a formula laid down by the Commission, and he is to ask each criminal these questions, and no more. Nothing can be more injurious than this; it is going exactly in the contrary direction to what is required. Criminals have facilities enough already, without going out of our way to give them more by depriving the magistrate of the best means of arriving at the truth. If this is the direction of our new legislation, we are much better without it.

The proposed code of procedure.

CHAPTER XII.

THE ADMINISTRATION OF CIVIL JUSTICE.

The Regulation system — The courts — The judges — The laws, &c. — The mode of procedure — Interference with landed rights — Pleaders and attorneys — Perjury and forgery — Madras and Bombay systems — Appeals to the Privy Council — Statistical statements — Non-regulation system — Civil justice in the Punjab — Experience in regard to examination of parties, &c.

I UNITED in my last Chapter the whole criminal administration, police and judicial, because the one part depends so much on the other, and I noticed several points connected with the general judicial system. But the latter subject is as important, and more complicated as concerns the branch of justice which I have put at the head of my present Chapter, and I must again revert to it. The judicial system involves, however, so many large questions, that, even if I were competent to deal with them, it would hardly be possible to do so in a chapter of such a volume as this. I find that neither time nor space would permit me to go fully into it at present, and I am the more willing to defer doing so, as I have now an opportunity of observing the English judicial system, and the effects of recent changes of the law, and would not desire to commit myself to crude opinions which are but in course of formation, at a time when much more competent persons are watching the result of late experiments and reserving their judgment.

I have not had much personal experience of the courts of civil justice in the Regulation provinces of India,

but have seen them from the outside as a spectator, and, mixing much with the people, have thus learned their general effect and the estimation in which they are held (perhaps the best point of view for forming a correct opinion), rather than attained professional knowledge of the details of their practice. But the weight of authority in England is now so completely opposed to a system of artificial technicalities, that it is hardly necessary for me to get up a minute exposition of a system which must be condemned on general grounds, and which will I hope soon be obsolete. On the other hand, I have for several years acted as civil judge, and superintended several subordinate courts, in the Non-Regulation Provinces now attached to the Punjab, where, freed from the Cornwallis code of procedure, and furnished by Government with a few simple rules founded on the most correct principles, I have been enabled to try another system, and have experimented on a considerable scale on most of the points now mooted in English jurisprudence,—the examination of parties, summary forms of procedure, simple and rational pleadings, &c. &c. If number of instances is the best basis of induction, I have as regards India a good ground for general conclusions, and hope by comparing Indian with English experiences, to gain an insight into the subject. Meantime, I would not here attempt more than (in order to complete the subject of this volume) to give a very brief and general sketch of the nature of the courts by which civil justice is administered—first, in the Regulation, and, second, in the Non-Regulation Provinces. In regard to the former, I have compiled in small compass some comparative statistical tables, which will go farther than anything I have space to say to show the working of the courts.

In sketching the progress of our internal government, the present system, and the character of the instruments employed, I have noticed generally the origin and cha-

racter of the courts, the form of the judicial machinery, and something of the different classes of judges. There have been comparatively few great changes in the principles of this department since its first establishment, and it will not be necessary farther to sketch the past. I therefore proceed at once to the present Regulation system. I regret to be obliged *in limine* unreservedly to avow that this part of our administration is, generally speaking, by no means so satisfactory as other departments; that there has been great encouragement to the litigious and unscrupulous, and little justice for petty wrongs; a great *bouleversement* of the rights and institutions of the country, and lamentable demoralisation of the people; all proceeding from the best of motives, but in effect, it is to be feared, going far to counterbalance the good derived from our executive rule. It is some relief to find, that, while the result of the departments already discussed has been very unfavourable to Madras and Bombay as contrasted with Northern India, on the other hand, in their judicial practice, those presidencies seem to have decidedly the advantage—to give more justice in small cases, and cause less evil in large ones.

Regulation system.

Its general character and results.

I shall first dispose of the judicial machinery.

One peculiarity of the system, as distinguished from the English, may have been already observed, viz., that, although the whole of each presidency is superintended by one chief court, there is no central court of original jurisdiction. The hearing of original causes rests exclusively with separate functionaries in each district, of whom the Zillah judge is the head. That officer exercises his original jurisdiction in regular suits only in very special cases, is principally occupied in appeals and in hearing miscellaneous motions, applications, &c. Almost all causes are in the first instance tried

The courts, judges, &c.

by the native judges, whose grades and powers I shall more particularly mention.

The Sudder Court is the only collective judicial body. In every other court there is but a single judge.

The native judges are as follows:—In each district there is at the same station with the Zillah judge a chief native judge, who tries claims exceeding 1000 rupees, or 100*l.* His jurisdiction is unlimited in amount, and, generally speaking, he tries all important cases, which the judge does not for special reasons retain on his own file. He is styled Principal Sudder Aumeen, the two first terms being a repetition of words of nearly the same meaning in different languages. He receives from 500*l.* to 750*l.* per annum. The next native judge is a Sudder Aumeen, but there seems a considerable disposition to do away with this intermediate grade. A Sudder Aumeen tries cases exceeding 30*l.*, and not exceeding 100*l.* He receives 300*l.* per annum. The lowest, most numerous, and most important class of native judges is that of Moonsiffs, who try all cases not exceeding 30*l.* Moonsiffs are divided into two grades, who respectively receive 120*l.* and 180*l.* per annum. There are upon an average about five Moonsiffs under each judge, stationed in different parts of the district. The native judges.

All these courts have jurisdiction in all suits of every kind for real as well as personal property; and in regard to landed property, do in fact exercise a much larger jurisdiction than the limits mentioned, because the value of landed property is calculated at *one year's revenue*, a calculation much below the fact. The land so valued really involves most important interests, disposed of under these rules by the inferior courts.

Candidates for Moonsiffships are annually examined, and those qualified receive diplomas, which render them eligible for appointment, if nominated by the Sudder

Court. These diplomas are most frequently obtained by the pleaders and ministerial officers about the courts. The examination does not extend to Hindoo or Mahommedan law, but is confined to the British code of procedure. Native judges of the higher grades are selected by Government from the list of Moonsiffs. An appeal lies from the decision of the Moonsiff, or Sudder Aumeen, to the Zillah judge, and he may refer a portion of the appeals to the principal Sudder Aumeen for decision. A second or special appeal lies to the Sudder Court on special points, as does a regular appeal in cases decided in the first instance by the judge or principal Sudder Aumeen.

I have already expressed my belief that the judicial machinery is now quite sufficient in quantity for the work, and that the faults are those of the system.

The Cornwallis system.

Lord Cornwallis's object was "to afford the means of a regular judicial decision in every case to every inhabitant of the country," and by "a regular judicial decision" he meant one encumbered with many of the forms of the English law of that day. He altogether ignored the institutions of the country, gave no encouragement to decisions out of court and avoidance of lawsuits—to agreeing with a man's neighbour while in the way with him; but rather encouraged all to come to the regular tribunals. The nature of the system is not unfairly described by Mill, in a passage which I have somewhat abridged, vol. v. p. 502.

It was, he says, one of the prejudices of lawyers, "that to render judicial proceedings intricate by the multiplication of technical forms, by the rigid exaction of a great number of nice, obscure, puzzling, pedantic rites and ceremonies tends to further the ends of justice. For courts of law, provided for a people among whom justice had always been distributed in the method of simple and rational inquiry, was prescribed a course of procedure loaded with

minute formalities. Of the intricacy and obscurity thus intentionally created, one effect was immediately seen, that the candidates for justice could no longer plead their own causes. The necessity of an establishment of hired advocates was therefore acknowledged, and a body of native pleaders was formed, paid by a percentage on the litigated property. From this one inconvenience immediately flowed, that the class of causes which is infinitely the most important of all could not fail to be treated with comparative neglect."

Of these evils, so far as concerns both divisions of Bengal, not a whit has been abated to the present day, and no case, small or great, can be conducted but in a most artificial way and by professional persons. Recent legal reforms have not extended to the Indian Regulation courts, and the system only becomes more and more complicated as legal precedents and constructions of law accumulate.

Laws.

Our Government has interfered very little, or I may almost say not at all, in the laws regulating property, &c. The courts profess to give to every man the law of his own religion, country, or tribe, and, where the plaintiff and defendant are of different tribes, decide according to the custom of the country or the law of the defendant. Our legislative enactments form a code of procedure and no more.

Engraftments on the laws.

On the other hand, precedents and "*constructions*" of the Sudder Courts have swelled out into a large and complicated legal system, quite undigested and unarranged. I have remarked on the tendency of men not regularly educated as lawyers to rush into the extreme of legal niceties and quibbles, grasping the shadow while they lose the substance of law; and it is in the civil courts that this disposition has shown itself to the greatest extent. Not only is too much refinement attempted, but the Judges of one day are constantly altering the *constructions* of their predecessors.

Want of equitable jurisdiction.

There is no separate equitable jurisdiction mitigating the harshness of the strict letter of the law, as under the Mahommedan emperors; nor has any system of equity been engrafted on the common law. It is administered without any relaxation whatever; nor is there any machinery for obtaining discoveries and other such assistance to persons barred of regular legal remedies.

In questions involving class laws the courts can call before them Mahommedan or Hindoo lawyers to expound their doctrines; but the means of correctly and uniformly administering those laws seem very imperfect.

Uniformity of procedure in all courts.

Neither in the forms of procedure nor in anything else is there any distinction whatever between the superior and inferior tribunals, except as to the value of the suits which may be entertained. A Moonsiff's court, therefore (though it administers justice to about the same or a smaller extent of country and population), by no means corresponds to a county court of summary and limited jurisdiction.

Mode of procedure.

The mode of procedure is somewhat as follows:—There is no distinction of different forms or descriptions of actions; every kind of right or injury is sued for alike, the value merely being stated, and the courts deciding what is and what is not a fit subject for judicial cognizance.

None of the steps of an action are conducted out of court. Every step must be taken through the court.* All pleadings, applications, and everything else are in writing. The plaint must be lodged on a stamp of a value proportioned to the sum claimed. There is no rule as to the nature of the matter to be contained in the "declaration." It generally consists of a very long, rambling, circumstantial, and of course exceedingly exaggerated, detail of

* In some things the procedure somewhat resembles the Scotch system.

grievances, and a great many other things besides which have nothing to do with the case. Attached is a power of attorney naming a licensed pleader, and an account of particulars is generally given: thereupon the suit is admitted. A formal notice is served on the defendant, or stuck up in the village where he is supposed to reside, and he is required to file an answer and defend the case within a certain number of days. If he does so it is in a style similar to the plaintiff's. There is no limit to the number of pleas, relevant or irrelevant, consistent or contradictory. The plaintiff is then called on to put in his replication, and the defendant his rejoinder, and so on; each paper containing all kinds of assertions and accusations and technical objections, and each scrupulously avoiding to give the other the advantage of any admission of the plainest facts. All this completed, issue is supposed to be joined: that is to say, the judge has before him a mass of the most prodigious contradictions which unscrupulous subtlety can deliberately prepare in writing, and great quantities of irrelevant matter. He thereupon proceeds to trial. Issues of law and fact are all joined at the same time, and decided at the same time. All miscellaneous applications of every kind are made to the same judge who tries the case, and he has no officer empowered to act otherwise than ministerially, or to do or arrange anything of his own authority. Not a paper can be filed except by order signed by the judge.

Issue being joined, a day is appointed for the trial. Witnesses are subpœnaed on the application of the parties. Their evidence is taken, and exhibits, &c., are produced. The judge is not permitted himself to make any effort towards ascertaining the truth, as is done in a criminal or revenue case. Everything is left entirely to the management of the parties and their professional advisers. They marshal up their own pre-

Trial.

pared witnesses, produce their own documents, and apply for reference to particular records—all of which of course depends upon their skill in arts, fair or fraudulent. The judge would not even, on any account, refer to the records of his own or the collector's office, except on special application of one of the parties. He must scrupulously restrict himself to the *worst* evidence, and, having heard that, he decides as he best may.

If either party commit any error of form, it is fatal to his cause. If the defendant does not appear in the manner required, the decree goes against him by default, and the first he hears of it is the seizure of his goods, after which he has no legal remedy whatever.

The parties may, by mutual agreement, refer to a jury or arbitrators; but, under such a system, and the case being from the beginning in the hands of professional pleaders, it is very seldom that both sides come to any such voluntary agreement, and the judge does nothing to encourage their doing so.

Such are the courts with which a Government, fully intending to do right, has overloaded the country, and to which it itself submits. It is not to be wondered at that petty suits cannot be carried through so expensive a form of trial, and that in every case there is every opening for fraud, perjury, and forgery.

Execution of decrees.

In execution of decrees, personal property is distrained, and imprisonment for debt is permitted for limited periods, the creditor paying for the subsistence of the debtor. Against the possessor of landed rights the process is exceedingly simple. They are at once sold by auction without reserve to the highest bidder, in satisfaction of the decree; or, if certain rights are decreed, they are at once made over by precept addressed to the collector, who must implicitly obey, however inequitable he may know the decision to be, and however in-

consistent with the rights of other parties and of Government.

It is supposed that, because the courts are called courts of justice, they are competent, on the technical pleadings and evidence just described, and without any record or knowledge whatever of the nature of the rights in dispute, and of other co-existent rights, to decide of their own arbitrary will and mere motion on interests which are in fact for the most part created or altogether metamorphosed by our system, and regarding which there is consequently no indigenous law to guide their decisions. In all settled districts these rights have been judicially defined by the collector, and recorded in the most perfect register of landed property existing in any country in the world; yet by regular suit before a Moonsiff they may be at any time transferred to some one else, in utter disregard of all previous investigation and record. A struggle sometimes ensues, when the courts, in their extreme ignorance, send precepts impossible of execution, and make decrees regarding things which do not exist, or incompatible with the rights in possession of third parties who have never been in court. Near Agra a district Zemeendar has obtained decrees against the village communities (making him proprietor), by going to the civil courts, after the question had been tried and determined years before in the revenue courts, so much better qualified to decide it. Interference with landed rights.

It is by the instrumentality of the civil courts that all the most important interests in the country have been rapidly converted and transferred.

So far the advantage rests principally with the plaintiffs. A case comes into court by choice of the plaintiff, not of defendant, and the former is generally most likely and willing to use or abuse technical weapons. A rich and powerful defendant can, no Evasions on part of defendants.

doubt, by them excellently avoid justice; but the poorer and more ignorant and careless class are at an immense disadvantage. It is principally in the execution of decrees that defendants begin to find their advantage, and adopt a system which yields an abundant crop of fresh litigation. As soon as a decree is put into execution the defendant becomes seriously alive to it; and when the plaintiff attempts to seize his property, he is met by the information that it belongs to some one else. In no country is this kind of thing carried to such an extent as it now is in India. Litigious people take the general precaution of never having any legal property at all; it is all in the name of a son, or a brother, or a cousin, or any one but the right person. It is wonderful how a rich man turns out to be an absolute pauper under a decree of court; and when landed property is decreed or bought, there generally start up a dozen claimants, of whom no one ever heard before.

Thus, altogether, it happens that in India it is one thing to get a decree or a title, and quite another thing to execute or keep it; and the difficulty of making out a title has become the principal obstacle in the way of Europeans and others acquiring land. A man buys a village from its recorded and ostensible proprietors, and is duly registered and put in possession by the collector; but, before a twelvemonth is out, he may have a dozen suits in the civil court hanging over him. As some remedy for these and such like evils the Government have instituted a system of registration of deeds. They do not give any legal validity to the collector's general register of landed rights (which would have been the rational course in settled districts), except as evidence of possession. But there is a separate registry of deeds; and it is provided by law, as regards deeds executed *after* a certain date, that registered shall have precedence over unregistered deeds.

Registration.

This system is so far very useful, but I doubt whether

it is yet properly or efficiently carried out, or ever will be, as regards landed property, except in connection with the collector's register.

There is so far a distinction between pleaders and attorneys, that there are always many people practising as professional petition-writers and pettifoggers, without any qualification or licence at all, and having no right regularly to appear as pleaders, but over whom the officer in whose court they practise generally assumes some regulating authority. These men perform almost entirely the duties of attorneys, and manage in the name of the parties, or under special power of attorney, all miscellaneous business. The regular pleaders are limited in numbers, only admitted on proof of some qualification, and are comparatively a superior class, principally employed to plead regular cases in court. In the higher courts some of these men have been very successful, and realize large incomes; but the majority are very far indeed from what we expect in a barrister, and the spirit of unscrupulous polemics is strong within them all. They avail themselves of every weapon, fair and unfair. On technicalities they live. Certainly we have, at least, succeeded in planting most successfully among the natives a taste for this kind of litigation; it thrives amazingly. Pleaders and attorneys.

If it is difficult to repress perjury and fraud in the criminal courts, where at least the magistrate does his utmost to get at the truth, it may be supposed that under the system described in the civil courts such crimes are altogether rampant; in fact, the whole system is one of highly-perfected fencing with those weapons, and it is not to be wondered at that the people have become practised and skilled in their use. Perjury is of all things the most common.* Forgery is also most Perjury.

* I must, however, here say that what I have seen in England of the operation of the new law of evidence goes very far to diminish the distance between English and Indian truthfulness or want of truth. Hitherto the pleadings

extensively practised in regard to documents used in civil causes. The great school for forgery was in the investigation of claims to revenue-free lands. Government having announced its intention of respecting all alienations of former Governments, and no ancient records existing, these titles (for the most part fraudulent) could best and most unanswerably be made out by the production of written grants of the emperors; and such documents were eagerly sought for. Forging became a sort of branch of the legal profession, just as conveyancing is with us, and the professors of the art attained great skill. It was the more easy to use these forged grants, as there were no opposing private parties, and all had a common interest in getting as much as possible out of a too scrupulous Government. I have turned up the collection of a forger who had the seals of every possible emperor, minister, and governor. It was but "name your emperor and say how much land you want," and a most imposing-looking grant was produced, all ancient, and musty, and tattered, and torn, but still preserving in legible characters the great seal of the empire, signature of the prime minister, consignature of the governor of the province, and the cardinal particulars of the grant. The same appliances are now largely used in civil suits of all kinds.

Forgery.

Wielding so enormous a power, the civil courts have assumed an altogether undue prominence in the country. Most people are frequently involved in some shape in civil litigation, as parties, or witnesses, or conspirators, or aiders and abettors, and the litigiously inclined make it the business of their lives; hence the demoralization of the country, and the lowest villagers are becoming up to many "dodges" of

Demoralization of the people and other evils.

have been privileged falsehoods, which shocked no one; but it now appears that the oaths imposed on the parties by no means get rid altogether of these contradictions, and that perjury is far from uncommon at Westminster.

the law. It seems quite inconceivable that such a system should in these days, when its absurdities are admitted in England, be permitted to remain in India, a country so peculiarly unfitted for it—or perhaps it may be as correctly said, so peculiarly well-fitted for the growth and frightful prevalence of all the evils attached to it. The Law Commission might much more usefully and easily have supplied a decent code of civil procedure, instead of working away without success for seventeen years on a new system of criminal law.

Character of judges.

The character and qualifications of the judges I have already noticed in former chapters. I think there can be no doubt that the lowest class of native judges have a degree of power, in regard to real property and some other matters, inconsistent with their pay and position. The examination of candidates in the technicalities of our system of procedure and the constructions of the Sudder Court is very strict, and renders necessary considerable talent and application. The higher class of natives unanimously assert that this tends to exclude them, and to throw the appointments into the hands of the lowest pettifoggers, skilled in the minute practice of the courts. It is undoubtedly necessary that, if we are to maintain the system, those best acquainted with it should be selected; but, under a more simple system, the difficulty would be very much lessened, and sufficient personal standing and weight of character might be united with a sufficient knowledge of a simple and rational mode of procedure. Generally speaking, however, I must say that the native judges are an able and intelligent set of men. The fault lies not so much with them as with the system, and in the want of efficient superintendence. The mode of promoting at a late period of service to the office of civil and sessions judge has been seen, and it would be strange indeed if the judges were well fitted for the duties required of them. Transferred to the superintendence of

a large judicial machinery, after having expended the best of their years and energies in other employments, it is hardly to be expected that they could well perform so difficult a task.

The Sudder Courts are generally composed of men much too old to commence an useful career. It is but very recently that the Lieutenant-Governor has perpetrated the innovation of putting some of the youngest and best judges into the Sudder.

Madras and Bombay courts.

I do not attempt to go into particulars in regard to the Madras and Bombay civil courts. The regulations for their guidance seem to be in the main the same with those for Bengal, with certain modifications on the right side; but the fact is, that a great deal also depends on the spirit in which laws are construed and put in practice, and it appears that there has never been in those Presidencies so great a disposition to render the proceedings technical and complicated. At Madras, indeed, Sir Thomas Monro at one time attempted an entire change of system; but, unfortunately, his plan seems to have for the most part failed from an error in the mode of executing it. He seems never to have properly appreciated the republican institutions of India. We have seen that he altogether dissolved the corporate communities, and dealt with individual cultivators through a head-man, the servant of Government. In the same way he failed sufficiently to revive the republican Punchayet, or the system of voluntary reference to a jury named by the parties, which might well have been adopted under the superintendence of the courts; but the heads of villages (32,000 in number) were invested with arbitrary power as unpaid judges in petty cases, and generally even without appeal. It turned out that this was not at all what the people wanted. The head-men might have been often selected as referees; but the villagers were by no means inclined to submit to their

The Monro system.

uncontrolled official jurisdiction, and so successfully opposed the measure that it seems that the great majority of the head-men do not act judicially at all, and the project has in most instances fallen to the ground.

The greater number of cases in Madras are, therefore, now tried by the same grades of judges and under nearly the same regulations as in Bengal, but with a considerable difference in practice; and there is a much more summary mode of procedure in petty cases under twenty rupees.

The Bombay code seems to make some provisions for judicial examination of parties, &c., which so far are an improvement on the Bengal system.

One part of the Indian judicial system I have omitted to mention. For the more perfect administration of justice an appeal is provided in civil suits from the Sudder Courts to the Privy Council in England, a tribunal so many thousand miles off, whose members must of course be wholly unacquainted with the manners, laws, and language of the country from which the appeals come. Such a proceeding must be fearfully expensive and somewhat unsatisfactory, and it seems inconsistent to have transferred to India the whole legislative power, and yet left in England the judicial tribunal of last resort. But the most extraordinary part of the arrangement is to follow, and it is one of the most wonderful enactments ever heard of in any country. It was found that the parties, after having formally appealed, often neglected to prosecute their cases before so distant and expensive a tribunal, and the file of the Privy Council was encumbered by such cases; it was therefore provided by law that, when the parties do not themselves take the necessary steps, *the East India Company shall do so for both parties, and at their own expense bring the cause to a hearing.*

Appeals to the Privy Council in England.

Annexed are the comparative statistical statements of the operations of the civil courts.

I.—STATEMENT showing the Total Number of original Civil Suits on the file of the Courts in the different Presidencies and in England, for the year 1849.

	Total Number of Cases.	Decided on Trial.	Dismissed on Default.	Adjusted or Withdrawn.	Total Disposed of.	Pending at the end of the Year.	Amount of Property litigated, in Pounds sterling.
							£
Bengal	128,396	61,513	20,419	9,550	91,482	36,914	7,491,664 Cases depending at end of year.
N. W. Provinces	85,924	43,910	8,711	15,269	67,890	18,034	2,283,043
Madras	143,679	44,071	29,969	18,742	92,742	50,937	Not stated.
Bombay	90,849	53,615	3,798	20,477	77,890	12,959	Cases tried, £894,869
County Courts, England	396,793	217,713	..	..	..	..	Plaints entered, £1,265,115
Superior Courts, London and Middlesex	..	1,172	..	..	..	..	Not stated.

II.—STATEMENT showing the Number of Cases disposed of in each of the several classes of Civil Courts in the year 1849.

	INFERIOR COURTS.			SUPERIOR COURTS.		Number of Cases tried with the assistance of a Jury, Punchayat, &c.
	Village Moonsiffs.	District Moonsiffs.	Sudder Aumeens.	Principal Sudder Aumeens and Subordinate Judges.	Civil Judges.	
Bengal	..	86,676	1,363	3,405	38	6
N. W. Provinces	..	54,007	9,859	4,012	20	127
Madras	7,655	71,949	9,942	3,202	36	14
Bombay	458	58,623	13,739	6,311	57	35
England	—	217,713		1,142 in London and Middlesex only		County Courts 769; Superior Courts 1,142

III.—STATEMENT showing the Number of the Functionaries employed in the decision of original Civil Suits, and the average Number of Cases disposed of by each.

	Number of Functionaries.			Average Number of Cases disposed of by each in the Year.		
	Principal Sudder Ameens.	Sudder Ameens.	Moonsiffs, and County Court Judges.	Principal Sudder Ameens.	Sudder Ameens.	Moonsiffs.
Bengal	Not stated	..	..	..	..	..
N. W. Provinces	16	19	101	251	519	535
Madras	20	35	98	160	284	734
Bombay	6	14	66	1,052	991	888
England, County Courts	..	..	60	..	..	3,628

IV.—AVERAGE DURATION of Causes in Bengal and N. W. Provinces for Five Years.

	Average Duration of each Cause tried in the Court of the				
	Moonsiffs.	Sudder Ameens.	Principal Sudder Ameens.	Judges.	Sudder Court.
Bengal	4 months and 4 days	7 months and 19 days	10 months and 9 days	1 year, 4 mo., and 11 days	10 months and 18 days
N. W. Provinces	2 months and 24 days	2 months and 25 days	4 months and 8 days	7 months and 1 day	6 months and 3 days

V.—STATEMENT showing Value of Property claimed in Civil Suits in the different Presidencies, and in the English County Courts.

	NUMBER OF CAUSES.								Average Value of each Cause in Moonsiffs' and County Courts.
	Under							Above	
	£1	£5	£10	£20	£30	£50	£100	£100	
Cases disposed of:—									£. s. d.
Bengal			86,676				1,363	3,405	6 0 0
N. W. Provinces			54,007				9,859	4,012	7 2 0
Madras		68,462			6,839	2,384	555	354	Not stated
Plaints entered:—									
Bombay	36,801	42,191	6,517	3,659	1,658	486	486		Not stated
England, County Courts	160,425	169,256	37,543	25,272	4,297	No general return of superior Courts.			3 4 0
	£1	£5	10	£20	£20 to £50	Under £100	Above £100		
	Under								

VI.—COMPARATIVE STATEMENT showing the different descriptions of Suits instituted in the year 1849.

	Bengal.	N. W. Provinces.	Bombay.
Suits connected with land-rent and landed interests	20,498	10,133	23,929*
Claims to real property other than land	2,461	5,082	
Claims to hold land free from Government assessment	84	13	
Suits to contest sales by collectors for arrears of Government dues	332	8	
Debts on bond or otherwise	52,144	39,225	
Suits between bankers, traders, &c.	3,932	7,028	48,391
Religious suits connected with caste, rights of priests, &c.	895	104	
Breach of contract, embezzlement, wages, &c.	1,596	1,200	
Suits connected with indigo, sugar, silk, and other staple products	8,238	756	
Suits for personal property not included in the above	5,518	4,013	

* The Bombay statement gives the number of cases in which Zemeendars and Ryots were plaintiffs, which is here stated, but there is no other return.

VII.—COMPARATIVE STATEMENT showing Number and Result of Appeals for One Year.

	Number of Appealable Decisions.	Number of Appeals Preferred.	Number Confirmed.	Number Reversed or Modified.	Percentage of Appeals Preferred.	Proportion per cent. Confirmed.	Proportion per cent. Reversed or Modified.
Bengal	67,116	8,990	4,859	3,814	13	56	44
N. W. Provinces	50,928	8,057	4,602	2,446	16	65	35
Madras	Not stated	2,522	1,281	940	..	59	41
Bombay	,,	5,212	3,322	2,156†	..	60	40
England, County Courts	2,436	5	3	1	0·2	75	25

† Decisions include some arrears.

From statement No. I. it appears that the number of causes tried in each presidency is much smaller than that disposed of in the English county courts, and that it is considerably larger (in proportion to population) in Madras and Bombay than in Bengal and the North-West Provinces. Statement No. II. shows the proportion of causes tried by the different grades of judges. The village Moonsiffs (or headmen) of Madras, although incomparably more numerous, decide little more than one-tenth the number of cases tried by the regular judicial officers, the district Moonsiffs. The latter decide much the greater proportion of the causes, or about four-fifths of the whole. It will be seen that the number of causes tried with the assistance of a jury or punchayet, is very small indeed. Comparative statistical statements and deductions.

No. III. shows the number of judges of each grade, and the average number of causes decided by each individual. The Indian inferior judges seem on an average to decide but about one-fifth the number of causes tried in an English county court. But when we remember the vastly more tedious mode of procedure, this discrepancy will not be surprising. Under the present system the Indian judges have full occupation.

No. IV. shows how long causes tried by each court have on an average lasted, from the filing of the suit till it is decided or struck off.

From No. V. it appears that, while the average amount sued for in each case before the English county courts is but 3*l.* 4*s.*, the average in the *lowest* class of Indian courts is, for Bengal and the North-West Provinces, 6*l.* and 7*l.* 2*s.*, and, allowing for the relative value of money, we may fairly estimate the Indian causes to be *comparatively* at least ten times as high—a result which shows that the mode of procedure altogether cuts off from justice the class of petty cases for which the county courts are principally

useful. The same fact might be inferred from the great number of petitions daily presented to the magistrate regarding petty matters in which he has no jurisdiction, by people who consider a reference to the civil courts altogether a denial of justice, and who cannot understand that the magistrate, to whom they are accustomed to look up as their ruler, should not have an equitable jurisdiction.

The exact average value of each case is not given for Madras and Bombay; but in regard to Bombay at least we may infer, from the classification of causes, that it is very much less than in Bengal; about six-seventhes of the whole number of causes being under 5*l.*, and considerably more than one-third under 1*l.* This is a much more favourable result.

From No. VI. will be seen how large a number of causes having reference to land, and which might be so much better disposed of in the revenue courts, are litigated in the civil courts. It is lamentable to think that, after so much trouble and expense in making so perfect a settlement of the North-West Provinces, 10,133 litigious persons should (in one year) be allowed to reopen their cases before such tribunals as I have described.

No. VII. shows the number of appeals and the result. A great many cases are appealed, and no wonder, for about 40 per cent. of the appeals are more or less successful. This is a strikingly unfavourable result, and law must indeed be a lottery under such circumstances. Either the inferior judges must be very bad indeed, or the law must be most unsettled and unsatisfactory. I believe that the native judges are far from wanting in acuteness, and that the result is principally due to the overstraining and over-refinement, which have rendered the law complicated and uncertain.

From the civil courts of the Regulation Provinces as worked on the Cornwallis system, I am glad to be now

able to turn to the entirely opposite system adopted in our more recent acquisitions, the result of which is I think much more satisfactory. After a long trial of the working of the old courts, it may be supposed that the Government was little inclined to extend their operation, and the system was so radically vicious that there was no amending it except by altogether sweeping it away and commencing *de novo*. No Governor-General has yet had the courage or leisure to make this change in the provinces where the old system was already fully instituted, embodying as it did many old legal saws once popular in England. But of late years a system has been pursued in all new territories which I shall briefly notice. I refer more particularly to the courts existing in the territories administered by the Lahore board under the Governor-General.

Non-regulation system.

One most important feature of the system I have noticed in a former Chapter, the union of the office of civil judge with that of magistrate and collector, by which the antagonism and other evils flowing from the opposite system have been avoided, and the judge is enabled to avail himself of his revenue knowledge and revenue records, and of his personal acquaintance with the people, while the simplicity of the proceedings and use of indigenous aid render it possible for him to master the subject and superintend the proceedings without becoming exclusively a professional lawyer.

The forms of procedure and rules of evidence are solely designed to get at the truth in the shortest and best way, according to the generally received modern principles. And the great reliance is on Punchayets, not independent of the court, but worked under its immediate supervision and control, in some respects like an English jury, although they decide many issues of law as well as of fact. The judge is rather superintendent of the administration of

justice than required to possess a technical knowledge of class law. Litigation is not encouraged in the first instance, but, when an aggrieved party comes into court and pays for a stamp proportioned to the value of his claim, speedy and cheap justice is rendered to him whether the amount be small or great. A very brief and simple code of procedure, entitled "Rules for the Administration of Civil Justice in the Punjab and Cis-Sutlej Province," has been promulgated under the authority of the Governor-General.

Perhaps I shall best describe the system by the following extracts from a statement of the mode adopted by me in the district of Loodianah, which I had occasion to draw up shortly before leaving India. I have unfortunately no figured statistics of the Punjab courts.

Note on the administration of civil justice in the Punjab.

My object has been to obtain substantial justice in the simplest and easiest way, its course being unimpeded by artificial forms, embarrassments, and delays. This principle seems to be that at which Government and modern opinion aim, and to obtain which our "Rules" are, I think, in the main very well fitted. Still I by no means hold that it is expedient to provide cheap and easy litigation for the million and to encourage resort to the courts—far from it; but I think that whatever impediment it is desirable to throw in the way (as an inducement to suitors to settle with their adversaries while they are in the way with them) should be a direct tax levied from the litigant (to be applied towards defraying the expense of courts of justice) and not in the shape of various expenses, delays, and useless forms of procedure, injurious rather to the honest than to the dishonest, and tending in no way to fill the coffers from which the judicial establishments are supported.

I believe that there can be no greater evil than a too frequent resort to the courts, and that the direct tax should be heavy, but in proportion to value and small for small claims. Our object

should be, not to supersede the internal institutions of the country and the people which have long (under the influence of pressure from without) sufficed to keep alive the framework of society in the absence of all law, but rather to hold out our courts as a last resort, a reference to which is in some degree expensive (as judicial establishments must be expensive), but which, the sacrifice being in extreme cases made, secures to the party in the right speedy and effectual justice.

There is one distinction which has not been drawn in our courts, and which is, I believe, customary and necessary. It is between regular suits to ascertain rights and summary processes for possession of undisputed rights. At present the landlord of a house cannot eject or distrain a defaulting tenant except by bringing against him a regular suit for the value of the house or amount of rent claimed, nor can notice of legal process of any kind be served but in the same way. I am not prepared to specify particulars, but some classification of actions is desirable.

There should also be some rule as to the form and limits within which counter claims as offsets are admitted, as is, I believe, the case in the summary courts in England.

Prompt and substantial justice is to be attained, first, by availing ourselves without scruple of the best evidence in the best way; second, by excluding as much as possible the opportunity of professional chicanery in matters of fact; and thirdly and chiefly, by using the court principally as an instrument for enforcing the internal institution of Punchayet or arbitration. I would always, when possible, resort to this last mode of decision. Where evidence must be taken by the court, I would go into it very much in the same way as in a case of theft—avail myself of every means of discovering the truth, whether suggested by the parties or not, and come to the best possible decision on the merits, unrestricted by a formal code of procedure.

We have no statutory system of civil law, but profess to administer to every man his own law. It may be supposed that no man professes a technical acquaintance with all laws, and in practice the judge is not supposed to have, nor in fact possesses, a minute knowledge of any national or municipal law. His duty is merely to superintend and enforce the decision of cases between man and man by the light of the laws and by means of the instruments which he finds indigenous to the country. The indigenous

civil laws are so imperfect, and there are so many cases in which the decision of law must be arbitrary, that it may seem wonderful that such a system should succeed, and in fact there is a considerable want of uniformity and certainty in the decisions of the courts; but in practice we find, first, that where neither equity nor the custom of the country afford grounds for a decision, the result may be uncertain, but cannot be called unjust, for, if such cases were decided by lot, it could hardly be injustice; and secondly, that the number of such cases is few, since the great majority of cases may be decided by one of three laws:—

1st. The law of equity, which is the same all over the world, and has fixed the mode of deciding the commonest of the transactions of life.

2nd. The commercial and general custom of Hindoostan. By this custom (assuming in most common civil transactions the form of an unwritten law) most matters of bargain and sale, insurance, securities, &c., are determined among all the inhabitants, without reference to caste or religion.

3rd. The class law of each sect, race, and even subdivision, by which questions of inheritance, marriage, &c., are decided.

In regard to the second of these laws it may be observed that foreigners may fairly be expected in such matters to submit to the custom of the country; and of the third it may be noticed that the institution of caste, by preventing any intermixture of classes, also prevents the clashing of different class laws.

The Mahommedans have both a system of law and a sort of professional expounders of the law; but a reference to the original religious law would in many cases cause error, for it has never had unrestricted operation in India. We know that the rescripts of the Emperors largely interfered with the regular law of the Moolavees, probably to as great an extent as does equity with the common law of England. I know not whether the rules of Mussulman civil law thus modified, as they were administered under the Emperors, are anywhere to be found, but I imagine that they are not now practically available, and that, in all those transactions in which Mussulmans are mixed up with the community at large, the Mussulman law must be considered as superseded by the customs of the country. Their class law is thus, like that of other classes, for the most part confined to class matters. The Hindoos have neither a uniform system of law nor regular ex-

pounders of law; the custom of the country may for the most part be considered Hindoo, but it is not to be looked for in Menu. In matters of inheritance, marriage, &c., there can hardly be said to be any general law; every caste and subdivision differs in this respect; we cannot therefore decide by a reference to books and pundits; but the custom of the tribes is generally well known, and a case is decided by a jury of the brethren of that tribe.

Such being our laws, we come to the mode of administering them. And first for questions of fact. Distinct issues of fact are best tried by juries,* but it is well (unless a voluntary reference to arbitration is agreed upon in the first instance) first to confront the parties and to try by cross-examination to bring the issues within as narrow limits as possible. If the judge is fully satisfied, it is useless to go further; if it becomes necessary to go on, the issue must be put in clear and distinct form. Discretion must be used as to hearing evidence in court, or referring the case at once to a jury, according to the nature of the issue and the greater probability of a speedy decision. In the majority of cases the issues of law and fact may most conveniently go together to the jury. Of the three kinds of law which I have specified above, the judge will generally decide on the first (equity) himself, and leave the two others (custom and class law) to a jury. Where the two latter do not apply and the equity is not clear, he will generally leave the decision to a jury, inasmuch as they are less likely to decide contrary to general feeling than a foreigner is. The judge's duties are then shortly, first, to ascertain the issues to be decided; second, to decide all clear questions of equity and some questions of fact; third, to superintend the nomination and working of a jury. The parties are required to consent to the reference of a cause to a jury, and will generally do so voluntarily or under the influence of the judge. If either refuse, the fact cannot be taken as positively conclusive against the party refusing; but in the absence of sufficient reason assigned, it may fairly weigh in the mind of the judge as establishing a strong presumption against one who distrusts the judgment of his peers.

A general jury will decide doubtful questions of equity and all questions of general custom.

A special class jury will decide all questions of class law, but

* I use this word at present generally for a certain number of peers, however brought together.

in the particular case of Mussulman class law a reference may often be made to Mahommedan lawyers rather than to a jury.

I have used the word jury because I know no better term, but the Indian jury differs much from the English, inasmuch as it is generally nominated by the parties and does not often consist of more than four or five members, and the evidence is not necessarily heard in court, but is sometimes referred to the private examination of the jury.

The common practice is that each party nominates two arbitrators, and the four may, if necessary, choose a fifth as foreman.

But we generally expect, and it is desirable to obtain, unanimity of opinion. In fact it may be said that for a final decision by a jury it is the rule to require unanimity. When the nominees of each party take different sides and cannot agree, the judge must hear the arguments and decide as he best can: to leave it to a majority is a last resource. It is wonderful how seldom this difficulty occurs, and how generally the juries, under the influence of a little pressure and control, agree as to the verdict. It may (but should seldom) happen that the parties will not or cannot agree in the nomination of jurymen, and that there are questions of law or account which cannot be otherwise determined. In this case it may be necessary to call together a jury at discretion, but they must rather be considered as assessors whose opinion is to be asked than as invested with plenary powers. The jurymen seem generally to perform their part wonderfully well; in fact the institution is one of the most marked in the customs of the country, and they have for good conduct the strongest of all sanctions—that of public opinion. Nevertheless they are often accused, and are probably sometimes guilty, of corruption, for the temptation of which the course of procedure admits is great; yet I believe the amount of corruption to be surprisingly small, and hope that, as our procedure is improved, the opportunities of corruption will be diminished. I am strongly of opinion that it is necessary, if this institution is to be supported, to compel litigious parties to agree to arbitration, to compel the nominees to serve on a jury, and to use strong measures to compel a jury to come to a decision. It is not to be urged on the other side that the institution is in its nature voluntary, for I have set out by premising that our object is to keep the great majority of cases out of court. The court is the last resort when one or both par-

ties are fraudulent or litigious. The object is to *enforce* what *ought* to be voluntary, and for this end compulsion must be used or nothing is gained.

When it is decided to refer a case to a jury, the parties are required to name jurymen on the spot, objections are heard *vivâ voce* and determined. A plan I have often found to succeed is to make each party name six names, and of these the opposite party selects two. It is then, according to the nature of the case, determined whether to refer to the jury in their own village or to summon them to court. In either case a written paper specifying the issues is given to them, and they return a written reply with their signatures attached. If they disagree they are told that they must keep together till they agree, and it is only in rare and extreme cases that it is necessary to dismiss them. When the decision is given in, the judge first satisfies himself that it contains nothing extravagant or unreasonable, and that it decides the disputed issues. The parties are then permitted to urge anything as to the fairness of the *mode* of decision (not of its merits), and, there appearing no cause for rejecting the decision, it is accepted and the case is finally disposed of.

I have alluded to the desirableness of excluding as much as possible professional chicanery. It may be assumed that we have no respectable profession of the law, and that in India to be a professional lawyer is generally to be a professional rogue. The worst results must therefore follow when a man is allowed to hire one of these rogues to lie and manage for him. It is impossible to prevent those who will from consulting out of court whom they will; but if little encouragement is given to the class, it will not much extend itself; and as the principles on which I would proceed, and which are designed by our rules, aim principally at confronting the parties and drawing as much of the truth as possible from their own mouths, professional assistance should not be permitted in the first instance, and is in most cases in no way required. If a case is protracted and a party is absent or incompetent, the judge must use his discretion in admitting a proper person to act for him, and a relation or a servant should be preferred to a professional man.

Upon these principles I have for five years superintended the administration of civil justice in a large district (in addition to executive duties), and have watched its effect both in my own court and in those of my assistants, European and native; and the conclusion to which I have come has been altogether favourable to the system. I do not propose at present to enter farther into the questions involved. But in regard to one point which now creates great interest in this country, the examination of the parties, I must say that experience has more and more confirmed my opinion of the immense advantage of such a course. I have always found that much is elicited and explained, and that many apparent contradictions are accounted for. I have often commenced with stories utterly opposed to one another, and piece by piece reduced the issues of fact to a mere shadow. I think that contradictions are quite as often the result of unreflecting eagerness as of deliberately concerted perjury; and that it is a mistake to suppose, that, because plaintiff and defendant come into the box and contradict one another, one of the two is of necessity wilfully perjured. Much may be done by judicious sifting and skilfully *drawing* the witness towards the *probable* truth. Witnesses are always in such cases much more easily led than driven. It strikes me that the end desired is by no means so well attained by the hostile and tedious cross-examination by opposing counsel (which has lately wasted so much of the time of the courts, and generally leaves the contradictions as glaring as ever), as it would be by a little brief and friendly examination on the really important points by the judge. When the plaintiff goes into the box, his own counsel, who has the story in its largest characters in his brief, merely applies himself to bring it all out with full effect; the defendant's counsel treats the witness and is treated as altogether hostile; beats about

Experience in regard to examination of parties, &c.

to induce him to contradict himself, bullies him, and ends by making him more obstinate than before." And in this way it seems that much of the good expected from the measure is frustrated. Whereas, if the examination of the parties were, as in India, principally *judicial*—the judge examining on really relevant points, obtaining answers *willing*, and not *too willing*, and exercising his discretion as to questions which each party desires to put—much more truth would be obtained in a very much shorter time. That I believe would be the happy medium between the exclusion of the parties on the one hand, and the promotion of perjury on the other.

I must however say that I greatly doubt the expediency of administering oaths to the parties, and have not been in the habit of doing so except when one party has agreed to be finally bound by the statement on oath of the other. The object is rather to have an opportunity of obtaining the facts by cross-examination than to compel a discovery by a religious sanction. I would by all means retain the punishment of false testimony in this world; because that follows speedily, and can in no case be more appropriately awarded than to fraudulent plaintiffs or defendants; but I would dispense with the religious ceremony, because experience shows that it does not suffice to bring out the truth when there is so strong a temptation to falsehood, and, the punishment not being immediate, it is dangerous to accustom people to see oaths frequently set at defiance with impunity. If the parties were examined without an oath, but subject to the temporal punishment of perjury if proved to be false, as much truth would be obtained, and there would be less scandal to religion.

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